ACT POLICING – ACT WATCH-HOUSE

WATCH-HOUSE OPERATIONS MANUAL

This manual has been prepared and updated by ACT Watch-house staff and is designed to assist personnel performing duties at the ACTWH during their period of secondment.

It is the responsibility of all watch-house staff to ensure the welfare and safety of every person held at the watch-house, as well as that of ACT Policing staff and any visitors to the watch-house.

Members are reminded of their legal responsibilities, compliance with AFP Governance Framework and adherence at all times to the AFP Vision, Mission and Values.

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ACT Regional Watch-House

Code of conduct

Understand your duty of care to persons in custody:

- Accept responsibility for their wellbeing, management, intake and handover.
- Accept the obligation to take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to harm them.
- Ensure your team mates and others who enter the ACT Regional Watch-House (ACTWH) understand and exercise a duty of care towards them.

Seek to ensure that any person who is in ACTWH custody is treated with humanity, dignity and with due regard for their rights, and is not to be subjected to cruel, inhumane or degrading treatment.

Strive to ensure that all staff see:

- persons in custody as having rights
- themselves as responsible for upholding the human rights of persons in custody.

Exercise restraint and patience in dealings with persons in custody:

- Ensure that reasonable force is the minimum force reasonably necessary in the circumstances of any particular case.
- Ensure that the principles of negotiation and conflict de-escalation are always considered as alternatives to the use of physical force.

Assertively seek compliance by all staff in adhering to property guidelines. Become known for ensuring compliance in carrying out your duties and responsibilities in relation to custodial requirements for:

- exhibits
- drugs
- money (including counterfeit currency)
- intercepted material
- forensic evidence, including internally secreted evidence that comes into the possession of the Australian Federal Police.

Foster and maintain adherence to AFP values and code of conduct and seek to attain best practice in the delivery of services to persons in custody within ACTWH and best practice as a practitioner and innovator in AFP Custodial Operations.

Welcome

Welcome to the ACT Watch-House, City Police Station. Your contributions to the business objectives of the watch-house will assist in your professional development and help ACT Policing to more effectively deliver its services to the people of the ACT.

To those of you performing your duties at the watch-house on a rotation, please approach your duties with an open mind and a willingness to learn. The knowledge you gain and experiences you encounter while deployed at the watch-house will be invaluable for your professional development and will give you a more thorough understanding of the prosecution and judicial processes involved in policing the ACT.

Introduction

This manual has been developed by ACT Policing Watch-House (ACTWH) staff and is designed to assist members performing their rotations at the watch-house or who have been temporarily redirected for duties there.

The primary goal of ACTWH staff is to ensure the safety and welfare of all detainees and staff while supporting necessary prosecution and judicial processes. Every member is reminded of their legislated obligations as well as their duty of care for persons in custody at the watch-house.

Effective policing results in persons being taken into custody for a range of purposes. Any person who is in police custody is to be treated with humanity, dignity and with due regard for their civil rights, and is not to be subjected to cruel, inhumane or degrading treatment.

All forms of custody are subject to scrutiny and members must ensure that any custody is appropriate and justified in the circumstances.

A note about the format of this manual

This manual is designed to cover all aspects of Watch-House operations, from basic administrative issues to work place procedures. The manual is broken down into major sections which reflect the differing aspects of the work undertaken in the Watch-house. The majority of this manual is structured alphabetically for ease of reading and to allow for quick access and searching of relevant information should the need arise.

The exception to alphabetised structuring of this document is the section on ‘Detainee reception and lodgement’ which is ordered sequentially so as to assist staff in understanding the procedures involved in receiving persons in custody at the Watch-house and the order in which tasks should be undertaken when dealing with such persons, giving consideration to detainee and staff safety and welfare.

This manual is to be continually reviewed with a view to achieving best practice in custodial care. Procedural and operational matters will be addressed

specifically as they arise and in most instances, this manual will be reviewed every six months. In most cases this will occur prior to the commencement of induction training for members being rotated into the watch-House.

Endorsement of this manual will be made by DCPO-C

Section 1 – General information - Administration

1.1 Accounts/invoices

Watch-house staff will receive invoices from a number of businesses who provide goods and services to the watch-house, including, but not limited to:

-
-
-
- s47G(1)(a), s37(1)(c)
-

Invoices received and any expenditure related to the running of the Watch-house is to be dealt with in accordance with Commissioner's Order 4 (CO4).

Where goods and services are ordered, it is incumbent upon members to ensure that the delivered goods and services match the order (for example, ensuring that for a food order the number of sandwiches delivered to the watch-house corresponds with the number of sandwiches that were actually ordered on the 'meal order form'). If the order does not match what was delivered, contact the provider and correct the discrepancy. Contact numbers are available at the sergeant's desk.

An AFP account is held with the s37(1)(c)

There is no petty cash facility directly held at the watch-house and all such requests will need to be approved by the OIC ACTWH during normal business hours.

1.2 Building maintenance

In the case of any building faults at the watch-house (such as electrical/power failures, repeated alarm/fault activations, air conditioning problems, fuse board problems, high-level sewerage alarm), one of the following is to be notified:

- during business hours – ACT Property and General Services
- outside business hours, if urgent – s47G(1)(a), s37(1)(c) s47G(1)(a), s37(1)(c) advising that the fault is at the AFP City Watch-house, Canberra and detailing the nature and urgency of the fault.

Refer to **Section 2 – General Information – Operations – Alarms** for further information regarding service and fault alarms.

Refer to **Section 7 – Facilities Management** for further information regarding equipment and asset issues.

1.3 Car parking

There are no areas at or adjoining City Police Station providing free, private car parking for members. Members are not to park their private vehicles in the City Police Station secure cage compound as this area is intended for Police vehicles only. There are pay parking areas adjacent to the City Police Station Police vehicle parking areas as well as behind the secure cage compound. Free parking can be found at some locations in or near the City business district, within walking distance from City Police Station.

s37(2)(b), s47E(d)

Note. It is your responsibility to arrange adequate parking for your private vehicle. You should not park your vehicle in the Police vehicle car park or you may receive a Parking Infringement Notice.

1.4 City Police Station – ACT Watch-House

The ACT Policing ACTWH is located directly under City Police Station. The postal address for the Watch-house is:

ACT Policing ACT Watch-house, City Police Station
16-18 London Circuit, Canberra City, ACT 2601

The Watch-house is a secure facility with no public access. Internal access is governed by Watch-house staff or granted to members, s47E(d) who have operational or business requirements to attend at the Watch-house on a needs basis.

s47E(d)

Detainee visitors or official visitors (such as prosecutors from DPP, ACT Court staff, ACT Policing recruits) are permitted to attend at the Watch-house but this is determined by the Watch-house Sergeant in conjunction with approval from the OIC Watch-house if needed, and is subject to operational requirements and current Watch-house business activities. All access to the Watch-house by such visitors is to be facilitated initially through City Police Station front office members who will notify Watch-house staff of the visitor(s). No visitor(s) will be granted access to the Watch-house except by Watch-house Staff. Other than exceptional circumstances **no** visitors should be admitted

(including non ACTWH AFP employees) when a detainee is being admitted/charged ('charge light on') unless directed by the ACTWH Sergeant.

s47E(d)

1.5 City Police Station and Watch-house doors/locks

Members are reminded that in accordance with the ACT Policing Practical Guide: Persons In Custody – Access to Watch-house:

- only those members assigned to perform duty within a Watch-house, those persons lodging detainees and other members having legitimate business, are to be admitted into the Watch-house at any time.

s37(2)(b), s47E(d), s37(1)(c), s47F

s37(2)(b), s47E(d), s37(1)(c), s47F

For emergency access to cells, such as a cell lock jamming, refer to **Section 3 Emergency Procedures – Emergency opening of cell doors**.

1.6 Cleaning

Workplace cleanliness

The Watch-house is a restricted working environment and due attention should be given to matters of workplace cleanliness and hygiene. Many persons in custody may have poor levels of hygiene; may have serious infectious diseases such as Hepatitis or HIV/AIDS; may voluntarily or involuntarily contaminate cells with bodily substances such as urine, faeces, vomit, blood or saliva ; and members may come into direct or indirect contact with such substances through the course of ordinary Watch-house duties.

Members are reminded to take the utmost care and precaution when dealing with detainees and when performing work duties throughout the Watch-house. Accordingly, areas within the Watch-house which are for Watch-house staff/ACT Policing members only are to be treated with respect and care. This means:

- Shoes are not to be placed on any desks, tables, chairs or any other furniture.
- Riggers gloves are never to be placed on any desks, tables, chairs or other surfaces which members may work on.
- Rubber/latex gloves which are used by staff are to be disposed of immediately into a rubbish bin after a single use, if not contaminated.
- Any contaminated items, such as rubber gloves, riggers gloves, blankets, etc. are to be disposed of immediately in the contaminated waste disposal bins or hopper in the sally port.

Furthermore, in the interests of cleanliness, members are reminded:

- not to leave dirty cutlery or dishes in any area of the Watch-house and to wash these items up after they have been used
- to ensure work spaces are kept clutter free, neat and tidy
- the Watch-house is kept in a general state of good order and that surplus property is stored away as appropriate.

Contract cleaning of the Watch-house

Contractors are employed for cell cleaning in the Watch-house, provided by s47G(1)(a), s37(1)(c) The contact person for all administrative enquiries

regarding cleaning is documented in the red ‘cleaning services’ folder situated on the Watch-house Sergeant’s desk.

Cleaners will attend the Watch-house s37(2)(b) to clean all cells. When cells have been cleaned they are locked with the mattress placed on edge against the wall on the bed. Whenever a cell is used it is normally left open when the detainee is released until it is cleaned. The cleaners know to clean all open cells. Once the cleaners have finished cleaning the Watch-house, the Watch-house Sergeant will be required to check each cell and sign off s37(2)(b), s47E(d) If additional cleaning is required for certain cells (to remove excreta for example) then a form s37(2)(b), s47E(d) will be completed by the cleaner outlining the location and reason for the additional cleaning and will be submitted to the Watch-house Sergeant for actioning.

For the information of Watch-house staff and cleaners, if a cell has been soiled then please place an appropriate notification message on the Watch-house whiteboard, advising the nature of the contamination and the location, for example ‘saliva over door’ or ‘blood on bed’.

For urgent and/or after hours cleaning of cells (once determined necessary by the Watch-house Sergeant), s37(2)(b), s47E(d) and details of the AFP ACT Policing City Watch-house, Canberra, are to be provided, outlining the need for urgent cleaning. This number can be used 24 hours a day, 7 days a week.

If a cell or area of the Watch-house is soiled by body fluid/excreta when cleaners are unavailable the decision for AFP members to clean the cells rests with the Watch-house Sergeant. For normal custody cells, it may suffice for the cell to be closed from further use until the cleaners can attend during normal working hours to clean the cell. However, a cell or area of the Watch-house that is frequently used (such as a padded cell or the charge counter area), may require immediate cleaning and so consideration should be given to leaving the area, calling in cleaners after-hours to clean it, or having a Watch-house member clean the area. If there are any medical concerns about infectivity, advice can be sought from CFACT with regards to specific cleaning measures and requirements.

If a decision is made for an area or cell to be cleaned by Watch-house staff, all Health and Safety precautions must be taken and a ‘Biohazard Spill Kit’ shall be used. These kits come in a yellow pack and can be found in the cleaners store room in the Watch-house. The use of Biohazard spill kits is included in the Watch-house Training induction program.

1.7 Computers and PROMIS access

s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

1.8 Correspondence

Staff at the Watch-house have internal correspondence trays for incoming mail.

All outgoing mail is collected by the Judicial Operations Administration officer when s/he attends the Watch-house, or when Watch-house staff take any outgoing mail up to the City Police Station outgoing mail bag.

On the same shelf as the mail 'out tray' is a specific 'out tray' for items that are to be conveyed to Weston Police complex, including fingerprint forms, photographic film for developing s37(2)(b), s47E(d), s37(1)(c) These items are conveyed to Weston by patrol and taken to the Exhibit Management Group counter. A 'Routine Assistance' job can be dispatched through PROMIS to facilitate the conveyance of these items from the Watch-house to Weston.

The 'Routine Assistance' job should be entered onto PROMIS by the Watch-house Constables during each normal week day to ensure the fingerprint forms, photographic films and s37(2)(b), s47E(d), s37(1)(c) are cleared in a timely manner.

A 'DPP in-tray' and a 'Court in-tray' are also located in this area. This is where correspondence specific to these areas is placed, such as Court bench sheets, mention briefs of evidence, detainee criminal record printouts, etc. It is the responsibility of the Watch-house Sergeant to ensure that the appropriate documents are placed into these trays and that the files and/or folders that are compiled and placed into these trays are as complete as possible. The contents of these trays are collected each day s37(2)(b), s47E(d) DPP and Court Staff. Files created throughout normal business hours need to be transferred to Court by the arresting officers.

1.9 Equipment

The following is a summarised list of equipment and resources available to Watch-house staff and members attending the Watch-house.

Table 1. Equipment and resources available at Watch-house

Description of items	Location of items
Property Seizure Records, Simple Cannabis Offence Notices, Drug Diversion Caution Notices,	On shelf above fax machine, near correspondence 'out tray'.
Scales – weigh up to 12,000 grams (12kgs) – for obtaining gross weight of drug seizures	On bench near fax machine
Sharps containers	s37(1)(c), s37(2)(b), s47E(d)
Riggers gloves (new, various sizes)	Drawers under fingerprint printer
Rubber/latex gloves	On bench near LiveScan fingerprint machine; new boxes in stationery cupboard
s37(1)(c), s37(2)(b), s47E(d)	s37(1)(c), s37(2)(b), s47E(d)
Stationery supplies	Stationery cupboard – behind charge counter

Description of items	Location of items
Buccal Swab kits/Drink spiking kits	Above pigeon holes by stationery cupboard
Defibrillator	Beside the First Aid Station
First Aid supplies	s37(1)(c), s37(2)(b), s47E(d)
Printer ink for stand alone colour printer	
Photocopying/printing paper	In lower end cupboard on bench near secondary printer
Contaminated waste bags	In shelves under printers and fax
Vomit bags	Charge counter
Alcohol hand wash	Watch-house counter between sergeant and general area
Police dispensed medication and dressings	Next to defibrillator
Resuscitation equipment, bag, mask and medications	Next to defibrillator

1.10 Exhibits

All exhibits seized by attending patrols or Watch-house staff are to be dealt with in accordance with the AFP National Guideline: ACT Policing Property, Exhibit and Drug Handling.

Forensic samples that are obtained by investigating members, such as buccal swab samples or drink spiking kits, are to be stored in the relevant patrol station exhibit fridge/freezer.

There is no approved storage facility/area for exhibits in the Watch-house so any items seized are to be moved to an approved storage area in City Police Station and their status and location updated accordingly on PROMIS.

It is the responsibility of investigating members to retain custody and control of any items, including cash and drugs, which are seized from persons in custody at the Watch-house and to exhibit those items in accordance with normal AFP procedures.

For information on procedures relating to drugs being found on persons in custody at the Watch-house, refer to **Section 4 – Detainee reception and lodgement – Property lodgement and seizure**.

1.11 Facsimile machine

The Watch-house has one facsimile (fax) machine. s47E(d) s47E(d) . Settings on this fax machine are not to be altered as there are a number of pre-set phone numbers commonly used on this machine.

The fax machine must be loaded with paper at all times to ensure that breaches of bail, warrant recall notices and other urgent information can be received by the Watch-house at all times.

1.12 Leave

Members on rotation in the Watch-house are asked to be mindful of rostering provisions while working at the Watch-house. Issues taken into consideration when assessing leave requests include the duration of a member's rotation through the Watch-house and the requirement to have a minimum level of staff working at any particular time. For routine matters relating to leave, including leave requests for members rotating through the Watch-house, should be referred to your team sergeant. Any leave request once the roster has been posted must be referred to the OIC Watch-house for consideration. If the OIC Watch-house is not available requests must b e referred to Superintendent Judicial Operations.

The agreement with members' home stations is that members may take up to three weeks leave during a 24 week rotation in the Watch-house. Members who take more than three weeks approved leave during the rotation need to be backfilled by the home station.

Leave should be approved by home station for periods outside the rotation period. Similarly, leave during a rotation should be approved by the Watch-house sergeants.

1.13 Lockers

At the Watch-house there are lockers available for all Watch-house staff to store personal effects, food, work equipment, etc. When members rotate out of the Watch-house they must vacate those lockers.

At the rear of the Watch-house staff working area is a change room with several large clothing lockers and a wall space with several clothing hooks. The clothing lockers are allocated to permanent Watch-house staff, normally Watch-house Sergeants, for the storage of personal items and clothing. Members are free to share these lockers should they wish. Additional lockers for storage of personal clothing and other items may be available in the City Police Station gymnasium locker room or elsewhere in City Police Station. Should staff want a locker they will need to organise one with the Administration Officer of City Police Station.

Firearms lockers are available in City Police Station for the storage of accoutrement belts and firearms through the City Station Administration clerk.

s37(2)(b), s47E(d), s37(1)(c)

1.14 Meal room / staff area

The Watch-house meal room and staff area is able to be used by Watch-house staff and any other members who are present in the Watch-house. This area is to be kept clean and tidy at all times, with no food scraps to be left lying around and all cutlery and dishes to be washed up after use.

This area is stocked with cutlery, plates and dishes, a sink, facilities for coffee or tea and other amenities such as a toaster, toasted sandwich maker, microwave and fridge.

With permission from the Watch-house Sergeant or OIC Judicial Operations, Watch-house staff and attending members may be permitted to use the facilities provided to make themselves tea or coffee.

At the conclusion of each shift, that team will ensure the meal area is clean and tidy before concluding their shift.

1.15 Medical examination room

Situated near the internal access door to the Watch-house is a medical examination room. This room is primarily used by attending doctors and nurses to medically assess and treat Watch-house detainees. This room is kept locked at all times, unless being used. s37(1)(c), s37(2)(b), s47E(d)

Access to and use of this room is to be strictly supervised by the Watch-house Sergeant. s37(2)(b)

Whenever this room is being used by a doctor or nurse to treat a Watch-house detainee, a Watch-house member will physically remain situated outside of the room so as to maintain constant visual contact with both the doctor/nurse and the detainee. The watch-house member should be able to view the detainees hands at all times. Members should assess any possible weapons a detainee could use against a doctor or nurse, themselves or Watch-house staff. There is NO exception to this rule, given the nature of items that are stored in this room and the requirement to provide a duty of care to all persons involved before, during and after any medical treatment.

Refer to **Section 5 – Detainee care – Medical needs** for further information about providing medical attention to persons.

At times the medical examination room may be used to treat other persons who are not in custody, such as victims of crime or members of ACT Policing who are receiving medical attention.

1.16 Miscellaneous/lost and found property

All miscellaneous or found property is to be dealt with in accordance with the AFP National Guideline: ACT Policing Property, Exhibit and Drug Handling. All reasonable attempts shall be made to contact the apparent or known owner of any property that is found or left behind at the Watch-house.

If any detainee claims that s/he has lost property while they were detained at the Watch-house, checks shall be conducted with the 'Prisoner's Cash/Property Report' through their Apprehension and with the hard copy 'Reception & lodgement of Detainee Form'. If there is still a dispute about lost or missing property, video footage of the lodgement procedures can be requested from the Video Operations Team and be reviewed by Watch-house staff in order to assess the validity of the query and attempt to locate any missing property.

1.17 Notebooks

There is generally little requirement for members to carry and use their official AFP Notebooks, Diaries or Fieldbooks while on duty at the Watch-house however, there is nothing which precludes members from using them to record relevant information.

Thorough and contemporaneous notes should be made into the ACT Cell Management system in relation to any incidents or actions that take place in the Watch-house.

1.18 Performance Development Agreements

Members who are rotated through the Watch-house shall enter into a Performance Development Agreement (PDA) with their Watch-house Team Leader. The dates entered into the PDA shall be reflective of the term of their Watch-house rotation.

Objectives for Watch-house Team Member (Constable) are:

Contribute to team efforts in achieving Purchase Agreement outcomes as a member of the ACT ACTWH

Effectively and efficiently utilise and maintain ACTWH resources in accordance with AFP Governance Framework.

Accept responsibility for the achievement of team objectives and delivery of services in terms of quality, accountability and outcome.

Take the opportunity of quiet periods to resolve outstanding operational and administrative issues.

Contribute to ensuring the best attainable standard in terms of detainee care and wellbeing; with acknowledgement to competing operational priorities in the ACTWH.

Understand your duty of care to detainees. Accept responsibility for the wellbeing, management, intake and handover of detainees.

Seek to ensure that any person who is in ACTWH custody is treated with humanity, dignity and with due regard for their rights, and is not to be subjected to cruel, inhumane or degrading treatment.

Exercise restraint and patience in dealings with detainees.

Assertively seek compliance by all staff in adhering to property guidelines

As a member of an ACTWH Team, support the shared purpose and direction of the AFP and ACT Community Policing Policy including the following outputs:

Coach, guide and mentor other team members as required.

Identify, seek out and develop productive working relationships with external and internal stake holders.

Foster and maintain adherence to AFP values and code of conduct and seek to attain best practice in the delivery of services to detainees within ACTWH and best practice as a practitioner and innovator in AFP Custodial Operations

Work as a team player in all your efforts.

Participate in training and seek opportunities for professional development.

Objectives for Watch-house Team Leader (Sergeant) are:

Lead and manage the deployment of a team within ACT ACTWH to achieve Purchase Agreement Outcomes and in accordance with the values of the AFP

Effectively and efficiently utilise and maintain ACTWH resources in accordance with AFP Governance Framework.

Lead and manage the deployment of an ACTWH team to achieve Purchase Agreement Outcomes and in support of this, assist in the achievement of Purchase agreement outcomes by other teams in ACTWH & ACTP.

Accept responsibility for the achievement of team objectives and delivery of services in terms of quality, accountability and outcome.

Care for your team. Plan, monitor and manage the operational, training, administrative and personnel activities of the team and guide mentor and develop team members.

Through strong leadership adapt to and support change and contribute to ongoing improvement of ACTP capability within ACTWH.

Lead and manage the deployment of a team within ACTWH to ensure the best attainable standard in terms of detainee care and wellbeing, with acknowledgement to competing operational priorities in the ACTWH.

A leader of an ACTWH Team, understand your duty of care to detainees. Accept responsibility for the wellbeing, management, intake and handover of detainees.

Seek to ensure that any person who is in ACTWH custody is treated with humanity, dignity and with due regard for their rights, and is not to be subjected to cruel, inhumane or degrading treatment.

Exercise restraint and patience in dealings with detainees.

Assertively seek compliance by all staff in adhering to property guidelines

Lead and manage the deployment of a team within ACTWH to support the shared purpose and direction of the AFP and ACT Community Policing Policy including the following outputs:

Ensure that team efforts comply with ACTP priorities and operational directives as determined by chain of command, ESC, OCM and as required, ACT Police Operations.

Identify, seek out and develop external relationships with key stake holders

Cultivate productive internal working relationships with key stake holders.

Foster and maintain adherence to AFP values and code of conduct and seek to attain best practice in the delivery of services to detainees within ACTWH and best practice as a leader and innovator in AFP Custodial Operations.

1.19 Radio use

At the Watch-house there is a radio set to s37(2)(b), s47E(d) This radio is not to be turned up loudly as it can interfere with the audio recording during the charge process, creating an unnecessary and annoying distraction. This radio can be used to acknowledge on-air communications to Police Operations or members on the road (for example, who wish to notify the Watch-house that they are en route with a person in custody).

Any members who are in attendance at the Watch-house with a person in their custody should be requested to turn their radio down or off so as not to interfere with audio recording procedures in place at the Watch-house or other Watch-house business activities.

s37(2)(b), s47E(d)

1.20 Watch-house safe

The Watch-house safe is used for the storage of a number of items, including:

- payment receipt books
- Receiver of Public Monies log form
- s37(2)(b)
- AFP audit bags and audit bag register.

This safe can be used as a temporary storage facility for valuable and/or accountable items if the need arises, at the discretion of the Watch-house Sergeant. Any valuable and/or accountable items stored within the safe **must** be cleared from the safe by the lodging officer/s during the following/next business hours.

1.21 Safety and security

It is the responsibility of all members of ACT Policing to ensure that safety and welfare for fellow employees, members of the public and detainees is maintained at all times. It is expected that any detainee conveyed to the Watch-house will have been searched thoroughly to ensure that they do not possess any seizable items, being things which may harm any person in any way.

Watch-house staff will perform their duties with the understanding that safety is the underlying principle of all Watch-house functions and duties.

Duty of care

To yourself:

- Always wear gloves
- Always search a person thoroughly and safely
- Never search or place your hands where you cannot see them
- Never cross your hands/arms while handling sharp objects e.g. needles or weapons as this is the time when an occupational injury is most likely to occur
- Wash hands regularly
- Be careful searching detainees' property for hazardous items
- Never enter a detainee's cell alone
- Always deal with a detainee in company with another member
- Know where your colleagues are and what they are doing in case they need assistance

- Take all precautions when dealing with aggressive detainees who are, or have any infectious conditions.

To detainees:

- Communicate clearly and effectively with detainees so they understand what you are doing and why
- Give due regard to decontamination procedures for detainees who have been subjected to oleoresin capsicum spray
- If detainees appear to require medical attention, bring this to the attention of the Watch-house Sergeant promptly
- If detainees request medical attention, promptly notify the Watch-house Sergeant
- Appropriate attention is to be given to detainees determined to be 'At-Risk'. If Use of Force is required, use only the minimum reasonable amount of force necessary to achieve your objectives.

Refer to **Section 3 – Emergency procedures** for further information on specific issues and matters relating to the safety and security of the Watch-house.

1.22 Staff showers / toilets

The Watch-house contains one uni-sex toilet and basin that is designed for use by Watch-house staff and other members of ACT Policing. This is located near the detainee property cupboards. Showers for staff and further amenities are available in the City Police Station gymnasium.

1.23 Smoking / cigarettes

Members are reminded of their obligations under the (Professional Standards) AFP Practical Guide on Smoking, in summary:

- Smoking in or near any AFP premises is absolutely prohibited by all employees and members of the public alike.
- Under the *Occupational Health and Safety (Commonwealth Employment) Act 1991*, the Commissioner as an employer is required to ensure a healthy and safe working environment for all persons in the employment of the AFP. Furthermore, all employees are reminded that they have an individual duty of care under the Act to maintain a healthy and safe workplace.
- Under the *Occupational Health and Safety (Commonwealth Employment) Act 1991*, the Commissioner as employer is required to ensure a healthy and safe environment at or near the workplace for third parties who are not employees. This includes detainees in Police custody at the Watch-house.

Under the (Professional Standards) AFP Practical Guide on Smoking, persons in custody, witnesses or other members of the public are not permitted to smoke in any AFP premises under any circumstances.

Police detainees may be provided with nicotine patches for the duration of their stay, these may be dispensed by the Watch-house members.

Please refer to the (Professional Standards) AFP Practical Guide on Smoking for further information.

1.24 Staff contact details

Upon the commencement of a rotation through the Watch-house, staff are to immediately update the On-Call folder s37(2)(b), s47E(d)

s37(2)(b), s47F

1.25 Staffing, overtime and the Watch-house roster

The Watch-house working structure provides for six teams s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

The Watch-house roster is prepared by a member of ACT Policing HR in consultation with the OIC Judicial Operations. For queries pertaining to the roster, including roster changes or future roster requests, contact the OIC Judicial Operations in the first instance.

It is desirable for a female member to be rostered on all shifts. If this is not possible, due to leave or shift shortages, it is the responsibility of the Watch-house Sergeant, in liaison with the s47E(d) to source a female member to assist in management of female detainees should the need arise.

On occasions when Watch-house staff are absent from work, there will likely be a requirement for members to be redirected to the Watch-house to perform duties as a Constable for a shift. In the case of other Patrols being unable to provide a redirection for the Watch-house, enquiries are to be made with the relevant supervisor at each other Station to try and obtain a redirection to cover Watch-house staff shortages. Members being redirected must be Watch-house trained. On such occasions, there may be an interim requirement for members to work beyond their rostered shift to cover such staffing shortages, until the redirection arrives. Overtime will be paid accordingly.

Any approval for overtime must be given by the Watch-house Sergeant in the first instance, but the final approval for payment of that overtime ultimately lies with the OIC Judicial Operations.

1.26 Telephones

There are a number of phones for use by Watch-house staff. These are as follows:

External number.....Internal number....Position

s47E(d)

s47E(d)

The Watch-house Charge Counter phone is a dual handset connection, with two phones connected on the one phone number. The primary function of this is to allow three-way 'conference' calls between the Watch-house Sergeant, the detainee and a third party, such as someone from the telephone Translating and Interpreting Service. Additionally, the use of the spare handset allows phone calls made by detainees to be monitored, should the need arise.

For information about phone calls for detainees, including when phone calls may be permitted and precautions required to be undertaken before facilitating such phone calls, refer to **Section 5 – Detainee care – telephone calls**.

1.27 Training

Prior to performing duties on rotation, redirection or overtime at the Watch-house all members must undertake a formal two day Watch-house training program.

1.28 Uniform

Uniforms and standards of dress and personal grooming are to comply with the AFP National Guideline on Uniform and Standards of Dress, with the following exceptions (not to be worn) due to Occupational Health and Safety provisions:

- name badges attached to shirts with metal pins
- tie and tie pins/bars (exemption from DCPO-C)
- accoutrement belts or any form of accoutrement holder
- any service awards, ribbons, medals or neck badges
- any other loose or insecure items, such as lanyards.

This is to negate the potential for serious injury to members should a detainee engage in any violent behaviour towards Watch-house staff.

It is the personal responsibility of all members working a rotation at the Watch-house to have appropriate spare uniforms immediately available should the need arise. Sufficient clothing storage space is available at the Watch-house or elsewhere in the City Police Station.

Members are reminded that for any incident which results in the damage or contamination of a uniform which renders it unwearable or unsafe to wear, because of a course of conduct by a detainee, that uniform is to be treated as an exhibit and dealt with accordingly.

Single use hydrogen peroxide topical solution vials are available to all staff at the Watch-house for use in removing and rendering safe any minor contaminants on a member's uniform. They are stored in the drawer at the fingerprint counter.

1.29 Use of Force qualifications / First Aid certification / accoutrements

All Watch-house staff are required to hold a current AFP Use of Force permit for the entire duration of their rotation through the Watch-house. Any staff who are due for rotation through the Watch-house and do not have a current

Use of Force permit or have a permit that will expire during their Watch-house rotation are to contact the OIC Judicial Operations to make appropriate arrangements regarding re-certification.

All Watch-house staff are required to hold a current First Aid Certificate for the entire duration of their rotation through the Watch-house. Any staff who are due for rotation through the Watch-house and do not have a current First Aid Certificate are to contact the OIC Judicial Operations to make appropriate arrangements regarding re-certification.

Members are expected to be fully conversant with and comply with The AFP Commissioner's Order on Use of Force (CO3). s37(2)(b)

s37(2)(b)

Additionally, members are reminded of the following provisions of CO3 and the ACT Policing Practical Guide: Persons in Custody as they pertain to the Watch-house:

The AFP Commissioner's Order on Use of Force

Section 3.2 Storage of firearms

s37(2)(b)

Section 6.3 Watch-house
(1) Where a suspect who has been exposed to a chemical agent is taken into custody, the AFP employee or special member who lodges the suspect shall advise the Watch-house of the exposure; and
(2) The Watch-house shall take all reasonable steps necessary in order to prevent the contamination of the suspect, other detainees and Watch-house staff.

s37(2)(b), s47E(d)

ACT Policing: Practical Guide: Persons In Custody

Part Two: Watch-house

Arrest and Conveyance to Watch-house - Attendance at ACTWH:

s37(2)(b)

1.30 Video surveillance

Members are reminded that all detainee holding and processing areas of the Watch-house are recorded s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

s37(2)(b), s47E(d) **NOTE**: The audio recording capability at the charge counter is sensitive – members need to be aware of the contents of their conversations whenever audio recording is activated, regardless of their location in the Watch-house.

Staff are reminded that at all times they must demonstrate professional, accountable, fair and respectful behaviour in all dealings with any persons at the Watch-house. There is often a requirement for footage recorded at the Watch-house to be used for a variety of purposes, including evidentiary purposes in Court, external review by agencies such as the Commonwealth Ombudsman, and in the investigation of professional standards matters.

1.31 Watch-house daily reporting

Any incident or event that requires follow up or notification must be recorded in the Watch-house daily report. It is the responsibility of each Watch-house Sergeant to ensure they advise the relevant area and OIC of the Watch-house by email or phone of any significant issues. This information is also to be included in the handover to next shift.

Examples of things that should be recorded include members who advise they are unable to attend work, equipment and building faults that need to be followed up, bail matters and any other matter considered relevant to oncoming shifts.
Any information relating to detainees will be recorded in the relevant PROMIS, Cell Management/Apprehension Records as per action.

1.32 Welfare / staff assistance

Work in the Watch-house can be stressful and demanding and requires a temperament compatible to undertaking duties within a custodial environment. Staff are encouraged to approach their Watch-house Sergeant or OIC Judicial Operations should they have any concerns about their own or their colleagues' wellbeing.

For further information refer to the Wellbeing Services site on the AFP Hub at:

s37(2)(b), s47E(d)

1.33 Workplace / occupational health and safety

The AFP's primary duty of care towards employees is to take all reasonably practicable steps to protect the health and safety at work of its employees. The AFP also has a similar duty of care to contractors, third parties and any other persons who may be affected by its undertakings, including detainees

Members are reminded of their responsibility to promote, provide and maintain a safe workplace and safe system of work for yourself, your colleagues and any other persons who attend the Watch-house, including persons in custody. Members should not undertake any action or fail to take action that creates a risk or increases an existing risk to your own health and safety or to that of any other people in the Watch-house.

An employee needs to advise their team leader if s/he has been involved in an incident where s/he is either:

- injured
- contracts a disease
- exposed to a hazardous substance or atmosphere
- involved in a dangerous occurrence that could have resulted or can result in an injury, disease or exposure.

The employee also needs to assist (their Team Leader) in the completion of relevant paperwork.

The Team Leader must notify Comcare of the following within specified timeframes:

- death ..... by phone *within two hours*
- serious personal injury ..... by facsimile *within twenty-four hours*
- time lost from work equal to or greater than 30 successive working days or shifts .....by facsimile *within twenty four hours*
- any dangerous occurrence..... by facsimile *within twenty-four hours*.

A Workplace Incident Report Form is to be completed as soon as possible by the Team Member and Team Leader for any such incident that occurs either in the AFP workplace or due to an undertaking of the AFP. The Workplace Incident Report Form is to be submitted to the OH&S Advisor ACT Policing as soon as possible for further necessary action and mandated reporting to Comcare.

Further information can be obtained from The Health and Safety page on the AFP Hub or by contacting a member of ACT Policing Occupational Health and Safety. The page can be found at:

s37(2)(b)

Section 2 – General Information - Operations

2.1 **Alarms** (sensors/fire alarm system – building maintenance section also)

There are a number of audible sensors and alarms that may activate at the Watch-house, including:

2.1.1 s37(2)(c)

2.1.2 s37(2)(c)

2.1.3 s37(2)(c)

2.1.4 s37(2)(c)

2.1.5 s37(2)(c)

2.1.6 s37(2)(c)

2.1.7 s37(2)(c)

s37(2)(c)

2.1.8 s37(2)(c)

In the case of an emergency alarm or fault requiring action, automatic notification processes are in place for the ACT Fire Brigade to be notified and to attend City Police Station and/or the Watch-house to examine the cause of the alarm.

If the Sewerage High Level Alarm activates then ACT Property and General Services are to be contacted in relation to the alarm activation.

For continued activation of these alarms, please contact ACT Property and General Services as a matter or priority.

2.2 Australian Defence Force Academy / Duntroon Royal Military College cadets

Australian Defence Force Academy (ADFA) cadets and Royal Military college (RMC) cadets may come into Police custody and be lodged at the Watch-house. Due to the provisions of the *Privacy Act 1988*, we can not breach the detainee's right to privacy by notifying their Duty Officers or their Regimental Sergeant Major (RSM) without their express permission. Accordingly, each detainee should be asked if they would like Watch-house staff to notify their Duty Officer or RSM of the fact and circumstances of their being in Police custody.

If the detainee refuses such a request, a record is to be made in the detainee's Cell Management record.

If the detainee requests that such a notification be made, Watch-house staff (or the arresting patrol if delegated by the Watch-house Sergeant) are to notify the Duntroon RMC Duty Officer s47F, s47G(1)(a) s47F, s47G(1)(a) Unless the circumstances dictate otherwise or the detainee has specifically requested, there is no requirement for notifications to be made at late hours and any such notifications can be subsequently made at a more convenient time.

Further, if the detainee requests that ACT Policing make no such notification to the Duntroon Royal Military College or ADFA subsequently find out that the cadet was in Police custody, this becomes an integrity issue for the cadet which will likely be investigated by ADFA, necessitating some form of contact with the Watch-house as to the circumstances of the cadet's detention in Police custody.

Without further legal advice or consent of the detained person, any reference to such information may be a breach of the Privacy Act 1988 and should NOT be undertaken. It would be improper for the Watch-house to release

information ad-hoc over the phone to ADFA staff so any such requests should be discussed with the ACT Policing Information Access Team.

2.3 Cell layout

s37(2)(b), s47E(d)

2.4 Clearing breach of bail charges (PROMIS fix)

s37(2)(b), s47E(d)

2.5 Custody photographs

s37(2)(b), s47E(d)

2.6 Decontamination of transporting vehicles

On occasions when members have conveyed a person in custody to the Watch-house in a caged vehicle and that person has been subjected to or exposed to oleoresin capsicum spray, there is likely to be a need to decontaminate the transporting vehicle. Similarly, if there is a need to decontaminate a Police vehicle at the Watch-house to clean out human waste, such as vomit or blood, then the following procedure can be followed to assist in cleaning and removing contaminants:

- The vehicle is to be turned around in the sally port as though to exit the Watch-house vehicle reception area.
- The vehicle is to be driven half-way up the sally port ramp where it will be positioned on the ramp at an incline angle.
- The fire hose situated in the sally port near the sally port exit door is to be used to hose down the relevant areas of the car, allowing the water to drain out into the drains at the base of the ramp.
- The vehicle is to be removed from the Watch-house area as soon as it is sufficiently clean.
- Consideration should also be given to using the parking apron outside the **upstairs sally port**. It also has sufficient slope to allow drainage of water from the rear of caged vehicles, thereby not tying up the ACTWH sally port area.

This process is to be undertaken by the arresting/conveying patrol. Consideration is to be given by members in using protective clothing/masks/eyewear when undertaking this process. Watch-house staff can assist in providing such protective items.

Note: The process for cleaning a sedan is different to caged vehicles. Advice should be sought from the relevant Patrol Sergeant for those cleaning arrangements.

2.7 Duty of care / At-risk detainees

Members will ensure that they are familiar with all provisions of the AFP National Guideline on Persons in Custody and Police Custodial Facilities including: Assessment of Persons in Custody.

Members have a duty of care for all people in their custody and must, on all occasions, be satisfied that the person is fit to be placed in custody.

A member who takes a person into custody will ensure that an initial assessment is carried out in order to determine the appropriateness of that custody and whether the person is to be considered ‘At-risk'.

If there is doubt about a person's medical (including psychiatric) condition, or if that person is incapable of making a rational decision on their need for medical treatment, the member will seek medical attention on their behalf.

People in custody are entitled to the same standard of medical care as any other member of the public:

- Where a person in AFP custody has been lodged in the Watch-house, is on remand, or awaiting AFP interview Crisis and Awareness Treatement Team (CATT) will, if required, assume responsibility for the person's mental health assessment and management. If CATT are unable or decline to attend Clinical Forensics ACT (CFACT) will be contacted.
- If, for operational reasons, attendance by the CATT is considered unsafe, the person in custody will be transported to TCH for CATT assessment. CFACT should also be informed where the person is transported to TCH.

Members will be aware of, and remain alert to, the possibility of a person in custody suffering from injury, disease or other illness that may present a threat either to themselves, police or other persons. Quiet and submissive behaviour should not be regarded as simple cooperation as it could be evidence that the person is a person at risk.

In each case due care will be taken to ensure further injuries are not caused or existing injuries aggravated as a result of a person being in custody.

There are a number of medical conditions that can be life threatening and which require urgent medical attention. Some symptoms can be confused with less serious conditions, in particular, alcohol or drug use or abuse. It should not be assumed that because a person is acting strangely or differently, that the person is intoxicated. For example, a diabetic or epileptic seizure may show similar signs to those arising from excessive consumption of alcohol or drug use.

Medical conditions that require careful assessment and monitoring include, but are not limited to:

- epilepsy
- head injury
- diabetes
- use/misuse of alcohol
- use/misuse of prescription or illicit drugs
- impaired intellectual ability
- other psychological illnesses/conditions.

Some of these conditions can co-exist and the detection of alcohol does NOT exclude head injury or diabetes. Those who have a negative alcohol screen and for whom there is concern for their wellbeing e.g. altered conscious state should be reviewed by a CFACT doctor or nurse.

When a person comes to police notice by way of their actions, that person will be closely assessed to determine if those actions result from a medical condition. Where there is doubt as to the wellbeing of a person in custody, medical assistance will/must be promptly sought. As a guide, members should satisfy themselves that the person:

- is able to answer questions sensibly
- is not disturbed, depressed or suicidal

- does not have injuries
- does not need medical treatment or medication.

If under any circumstances the member is unable to satisfy themselves of these facts, arrangements will be made for medical attention/advice promptly.

When a person is arrested, taken into custody or detained in accordance with relevant legislation, and that person either:

- shows signs of impaired sensibility
- appears to be/is suffering from any illness or disease or from the intake of drugs
- is unconscious or lapsing into and out of consciousness;
- shows signs of any recent injury
- is failing to respond to stimuli
- is depressed or disturbed
- is seriously ill.

the member who has custody of that person will take reasonable steps to ensure that the person receives proper medical attention.

Where medical treatment for an injury or illness cannot be conducted at a police station the person will be conveyed to hospital.

Where a member who has custody of a person acquires information relating to the medical condition of the person, whether through observations or through voluntary disclosure by the person, the member will ensure that the information is recorded for the information of other members who may subsequently be responsible for the custody of the person.

A person 'At-risk' is any person in custody:

- who is an Indigenous Australian
- who is highly intoxicated
- who has shown any inclination of, or is believed by any person to be capable of, harming themselves or another person
- with whom there is any cause for concern as to their physical or mental wellbeing
- who is suffering from a medical condition
- who is incapable of making a rational decision on their need for medical treatment
- who is at risk of being harmed by other people in custody due to the circumstances of their incarceration.

Additionally, a juvenile in custody should also be considered as a detainee 'At-Risk'.

If there is any doubt about the status of a person in custody, they are to be treated as a person at risk. A person at risk is to have the correct notations assigned to them on the Watch-house detainee whiteboard, for the information of all Watch-house staff.

Members are also reminded to consider any extensions to duty of care by way of having a person detained in the Watch-house. By way of example, there

may be a legitimate need for a person in custody to make some sort of alternative care arrangements for children who ordinarily rely on the detainee for their care and protection. Where practical, detainees will be afforded an opportunity to make alternative arrangements, for example, by telephone.

2.8 Duress alarm

s37(2)(b)

2.9 Handover procedures

At shift handover it is the responsibility of each Watch-house member to fully brief their replacement on all issues pertaining to:

- circumstances resulting in detainee being in Police custody and their behaviour/demeanour at the time of arrest
- whether any Use of Force options were used in affecting the arrest of the detainee and if any decontamination procedures have been undertaken and/or are still needed

- detainee welfare, including present demeanour and behaviour, medical status and medication requirements (including reference to any infectious or contagious diseases) and any other pertinent facts
- any rationale behind particular cell allocation for detainees
- the current status of apprehensions and corresponding charge processes that are still outstanding for any detainees
- any patrols en route to the Watch-house with persons in custody
- any outstanding administrative or maintenance tasks.

Prior to shift handover, Watch-house staff will conduct a physical check of each detainee in their cell. A second physical check of each detainee will be conducted by the replacement shift as soon as they have commenced their shift.

At the time of shift handover, a check is to be conducted of CCTV camera system by the Watch-house Sergeant. Each screen is to be checked to ensure that the system is actively recording and the time and date stamp is current and active.

ACT Corrective Services, police or other agency

If custody of a detainee is to be transferred to ACT Corrective Services, other police or members from another agency, the Watch-house Sergeant will fully brief the members concerned about any issues affecting the safe and secure custody of that detainee. Relevant details will be those contained on the Prisoner Transfer File including but not limited to the following categories:

- A person At Risk (at risk from others i.e. Police informant, child sex offender, etc)
- Aboriginal or Torres Strait Islander
- Medical condition (may need medical examination, medication of special care)
- Security Risk (may attempt to escape custody)
- Violent Tendencies (violent nature, threatened violence)
- Depression (prior history of depression, self-injury, suicide, etc)

This handover brief should be conducted at the Charge Counter with the audio facility of the CCTV system activated where there are identified special concerns or risk factors for a detainee.

2.10 Hygiene

At all times the Watch-house is to be kept clean and tidy and a clean-desk policy is to be maintained.

In the interests of hygiene and cleanliness, members are not to put their shoes onto any desk or work surface. Riggers gloves are also not to be placed directly onto any desk or work surface.

Members are reminded to be mindful when dealing with detainees who may have infectious or contagious diseases or detainees who, by virtue of their personal circumstances, may be unhygienic or soiled.

Members are also encouraged to take all due care when dealing directly with personal property belonging to detainees.

The Watch-house is stocked with a large number of anti-bacterial/antiseptic hand and skin lotions for the use of any member of ACT Policing as they deem necessary.

Any detainee cell that has been contaminated in any way is to be closed from further use and access until such time as it has been thoroughly cleaned. The nature and location of the contamination in the cell is to be recorded on the Watch-house whiteboard for the information of Watch-house staff and cleaners.

2.11 Inspection of cells

Prior to the Lodgement of any detainee into a cell, Watch-house staff will perform a cursory search of the detainee's allocated cell to ensure that there are no items or material present in the cell which should not be there, including but not limited to:

- cigarettes
- eating utensils
- food items
- clothing
- contaminants, including human excreta
- any item which could be used to cause harm to any person.

Furthermore, the cell is to be checked to ensure that there is no damage to the cell mattress and the toilet in the cell is working.

Whenever a detainee is removed from a cell, the cell is to be searched again to ensure that there are no items or material present in the cell which should not be there. An entry is to be made in the Cell Management system to this effect.

Cell facilities, including mattresses, bubblers, toilet, and intercom should be checked daily to ensure that they are working and in good order. At the commencement of each and every shift, the Watch-house Sergeant must check the CCTV security camera system to ensure it is working correctly. The checking for any contraband items mentioned above also needs to be done in places such as behind service doors within cell blocks. A record will be kept of these daily checks and will be inspected and signed by the Watch-house Sergeant.

2.12 Miscellaneous matters

s37(2)(b)

s37(2)(b)

Other miscellaneous matters

For Obstruct/Resist/Hinder/Intimidate Commonwealth Public Official charges (S149 *Criminal Code Act 1995*) remember to exhibit and/or photograph damaged AFP property if applicable and seek compensation if need be. Best evidence would be to exhibit and retain the damaged property (such as a damaged AFP uniform) if possible.

For breach of interstate set bail conditions – in the indictment, set out the full particulars of the bail conditions (where they were set, what the conditions are, how the conditions were breached, etc) and ensure that a copy of the bench sheets are included in the DPP file and sent to Court. This will provide the Court with sufficient information to act on the alleged breach.

Bail undertaking forms – four copies are to be printed and signed by the detainee prior to his or her release. One copy is given to detainee. On the remaining three copies, place the Charge numbers (CC/XX/XXXXX-XXXXX) on the top of the page. One copy is stamped as received and filed with Watch-house papers after entering any bail conditions and Court date into person's entity as an alert, one copy is sent to Court (with the bench sheets) and one copy is placed in the DPP file. If a condition of reporting is imposed (for example, to report a Police Station), then a copy of the bail conditions shall be immediately faxed to the front office of that Station for the information of front office members.

2.13 Notifications

For people in custody during normal business hours, please contact one of the following:

s47F, s47G(1)(a)

to advise of a person in custody who will be going to Court. This will allow time (particularly in the case of the Children's Court) to prepare paperwork and make relevant notifications (for example, to the ACT Office of Children, Youth and Family Support).

During business hours when there is a fresh charge detainee ready for transport to the Children's/Magistrate's/Supreme Court you must also contact the appropriate Court cells.

After hours when transporting a juvenile to Bimberi it is a courtesy to call Bimberi and advise them of the pending arrival of the juvenile.

For the most up to date phone numbers, check the list of contact phone numbers on the Watch-house Sergeant or Constables' desks.

2.14 Transfers and movement of detainees

Internal movement

Any time that a detainee needs to be moved from one location in the Watch-house to another, for example from the cell to the charge counter, they are to be escorted by a minimum of two Watch-house staff.

Release of detainees to the custody of ACT Corrections

When detainees are being transferred into custody of ACT Corrections Court Transfer Unit, members from Corrections may assist, and can be asked to assist, in escorting detainees from cells to the charge counter area where they will be searched and handcuffed by Corrections staff. This is especially salient if the Corrections staff are requesting that more than one detainee be retrieved and brought to the charge counter area for processing.

Corrections staff have the power to conduct a strip search of a detainee who is in their custody or a detainee who is about to be transferred to Court from the Watch-house. If, after consultation with Watch-house Sergeant about a detainee, Corrections staff deem it appropriate to strip search a detainee, then Corrections staff are to be provided with an appropriate area (such as a cell) for the search to take place.

A briefing to Corrections on all issues pertaining to detainees will include but is not limited to:

- circumstances resulting in detainee being in police custody and their behaviour/demeanour at the time of arrest
- whether any options were used in effecting the arrest of the detainee and if any decontamination procedures have been undertaken and/or are still needed
- detainee welfare, including present demeanour and behaviour, medical status and medication requirements (including reference to any infectious or contagious diseases) and any other pertinent facts
- any rationale behind particular cell allocation for detainees
- identification of the detainee as a 'prisoner at risk'.

Short term transfer from the Watch-house

There are a number of instances where a detainee may be removed from the Watch-house to the custody of arresting and/or investigating Police. These include, but are not limited to:

- being taken upstairs to City Police Station for a taped record of interview
- undergoing forensic procedures or a breath analysis
- being taken by investigating members to assist in procedures such as search warrants of the detainee's premises

- being conveyed to hospital for emergency medical treatment.

If a detainee is being removed for the Watch-house for only a short term, such as for an interview at City Police Station or a visit to the hospital accident and emergency ward, the following procedure is to be used:

- The detainee is to be brought to the charge counter where the charge counter light and microphone are to be activated.
- The detainee is to be advised that everything is being recorded on audio and video and asked to identify themselves for the purpose of the tape.
- The detainee is to be advised of the purpose for their short-term departure from the Watch-house.
- The detainee is instructed to follow any instructions given to them by the conveying police that pertain to their being in Police custody.
- The detainee is to be advised that they are still in lawful custody at all times.
- The detainee is to be advised that upon completion of the procedures outside the Watch-house they will be returned to the Watch-house.
- Cell Management is to be updated accordingly to reflect the detainee being transferred to 'Other – AFP custody'.
- The Watch-house whiteboard is to be updated to reflect the detainee being out of the Watch-house (refer to **Section 5 – Detainee Care - Monitoring of detainees including by whiteboard**).

Consideration should be given to the use of interpreters should the detainee not understand English, or if English is not the detainee's first language.

Transfer to hospital (persons detained in custody)

If a detainee is required to be conveyed to hospital on the advice of a doctor/nurse or ACT Ambulance Service paramedic and the person would ordinarily be remanded in custody (i.e. bail has been or is likely to be refused), then the following procedure will be used in accordance with the ACT Policing: Practical Guide: Persons In Custody - Hospitals:

- Where a person in custody is seriously ill or not easily roused and needs to be taken to a hospital or other place for treatment or admission for medical procedures, transport will be by ambulance. A police officer will travel with the person in custody.
- A police officer will remain with that person in hospital during the whole of the time that they are in custody until such time as they are discharged from the hospital when they will be returned to the Watch-house.
- A police officer escorting a person in custody to a hospital will inform the hospital staff that the person is in custody, and that s/he is required to keep the detainee in view at all times.

In the interests of operational safety, it is recommended that a minimum of two members remain with the detainee while they are in hospital and that during any conveyance to or from hospital, the second member follows the ambulance in their police vehicle.

Furthermore, there are occasions when medical advice will be given to Watch-house staff by the attending doctor/nurse such that transport for a detainee by

police vehicle is accepted and recommended. This may relate to occasions where a detainee has suffered a minor and/or non-urgent injury which simply can not be properly assessed or treated without the facilities or skills available at a hospital. In such instances, a decision for a patrol to convey a detainee will be made by the Watch-house Sergeant after consultation with the attending doctor/nurse.

For the duration of the detainee's stay at hospital, they are required to have a continual police presence maintained as they are still deemed to be under arrest and in lawful custody. Furthermore, a close police presence is required to be maintained in order to ensure the safety and welfare of any medical staff who administer any treatment to the detainee. Detainee care and detainee management processes still need to be upheld, for example, visits to the detainee still need to be approved by the Watch-house Sergeant or investigating Police, giving consideration to such issues as evidentiary requirements and interference with witnesses.

> **Note**
> It is the responsibility of the arresting portfolio/business area to organise appropriate guard arrangements for a detainee who is taken to hospital. For example, if the person is arrested by members of Criminal Investigations (CI) then it is the responsibility of CI to undertake escort and guard duties for the detainee. This does not prevent uniform members from general duties assisting but this is only to be done in consultation with the relevant team leaders.

For information pertaining to charge processes conducted other than in the Watch-house (for example, a 'bedside charge') refer to **Section 6 – Judicial and charge processes – Charge process**.

Transfer to hospital (no requirement for a person to remain in custody)

The above provisions do not apply to a person who is in protective custody under the provisions of the *Intoxicated Persons (Care and Protection) Act 1994* or otherwise detained at the Watch-house for a non-substantive criminal offence, such as breach of the peace. Such persons (and their property) will be released into the custody of ambulance personnel and the relevant details recorded in Cell Management. Property is to be placed into an envelope and sealed, at the charge counter, and the property to be provided to ambulance personnel.

If a person in custody is to be bailed from the Watch-house, then it is acceptable for the bail process to occur and the person can be released from the Watch-house with the understanding that they are no longer in police custody and should they wish to obtain medical treatment then they can pursue such treatment themselves.

Staff are reminded, however, that the release of a detainee (on bail or otherwise) to seek medical treatment of their own volition should not be used as an excuse or opportunity to prevent a person from receiving pressing medical attention for urgent medical conditions or injuries.

Detainees sent to court during court sitting hours

Persons who are brought into custody and detained at the Watch-house for substantive criminal offences during normal Court sitting hours (Monday to Friday, 9.30 am to 3.30 pm) should be bailed from the Watch-house to re-attend Court at another time, where these people fit the relevant criteria under the *Bail Act 1992*.

The courts will normally advise cut off times for persons in custody to attend court.

2.15 Psychiatric incidents / mental health assessments / referrals

Members are to familiarise themselves with the Memorandum of Understanding between Mental Health ACT, Calvary Health Care ACT, the Canberra Hospital, the ACT Ambulance service and the Australian Federal Police regarding mentally ill or dysfunctional persons.

2.16 Privacy of detainees

Upon Lodgement, a question asked by the Watch-house Sergeant is whether or not the detainee gives permission for Watch-house staff to advise the detainee's family, friends or legal practitioner with the advice that the detainee is in Police custody and is being detained at the ACTWH.

If a detainee has requested privacy while they are in the ACTWH, then the whiteboard is to be updated accordingly (see **Section 5 – Detainee Care - Monitoring of detainees including whiteboard**). All staff are to be familiar with the request for privacy by the detainee and accordingly, no information regarding the custody status of the detainee is to be released except with the permission of the Watch-house Sergeant, for Court/prosecution related purposes, or where required for operational/legislative purposes.
If a person rings up wishing to know about a person in custody who has requested privacy, the caller is to be advised by the Watch-house member answering the phone information similar to:

> 'I cannot provide any information about whether or not that person is in the Watch-house or Police Custody due to privacy laws that I must comply with'.

After such a phone call, the detainee can be advised that a person has contacted the Watch-house asking about the detainee but no information was released in accordance with their request.

Where detainees request partial privacy, this is to be refused unless specifically permitted by the Watch-house Sergeant. It is difficult and impractical for Watch-house staff to screen phone calls from friends/family members/other persons in relation to information requests about detainees and their custody status.

In relation to juveniles taken into custody, Watch-house staff should err on the side of caution if requests are made about the custody status of a juvenile from person's whose identity or relationship to the juvenile can't be fully

ascertained. Accordingly, juveniles are to be provided with a greater degree of privacy than adults, with exceptions given to mandated reporting obligations and attempts made to contact and inform persons with parental care/responsibility for juveniles in custody.

If a detainee doesn't give permission or for some reason can't give permission, then privacy should apply unless there is an operational necessity to disclose personal and private information to a third party about the detainee. This may include circumstances where there is a need to provide information about the detainee's medical history or for operational investigative purposes (i.e. normal *Privacy Act 1988* exemptions apply).

If a detainee refuses to answer or can't answer, then privacy is not to be automatically given unless decided by the Watch-house Sergeant. For such detainees, it may be in the detainee's interests if relatives/friends/others who contact the Watch-house in relation to the detainee can be spoken to in order to gather further information about the detainee, such as their medical status or other information relevant to their apprehension/prosecution, or to assist members of ACT Policing in fulfilling their Duty of Care obligations.

2.17 Property or drug seizures – general

All seizures of drugs, evidential material, seizable items or miscellaneous property are to be dealt with in accordance with the AFP National Guideline: ACT Policing Property, Exhibit and Drug Handling. Relevant paperwork relating to seizures of exhibits is to be included in mention briefs of evidence, such as Property Seizure Records and Drug Seizure and Lodgement Forms.

Certified photographs, PROMIS record taken of seized items are to be included in mention briefs of evidence.

Any detainee property that is required to be seized will be dealt with at the Charge Counter with the Charge Counter audio and video recording. Property bags will be opened by Watch-house staff and property taken by the member who is seizing the property. The seizing member will complete a Property Seizure Record and at an appropriate time (after consultation with the Watch-house Sergeant) ask the detainee sign the Property Seizure Record to acknowledge that their property has been seized.

Property is to be retained exclusively by the seizing member and is not to be left in the Watch-house. Continuity is the responsibility of the seizing member.

A copy of the Property Seizure Record is to be placed into the detainee property and the Property Seizure Record number is to be entered into the detainee property screen of the Apprehension.

2.18 Visits

Visitors for detainees

Cells five and six allow for detainees remanded in custody for extended periods of time (overnight or weekend) to receive visitors. This occurs at the discretion of the Watch-house Sergeant. Visitors include but are not limited to family, friends and legal practitioners.

Watch-house staff escort the detainee from his/her cell and place them in either cell five or six. s37(2)(b)

s37(2)(b)

At the conclusion of the visit, visitors are to be escorted back to the City Front Office by Watch-house staff. After the visitors have been escorted back to the Front Office then the detainee can be escorted back to their cell. The detainee should be transferred back to their original cell as listed in Cell Management.

Visitors are allowed to drop off clothing for detainees and where their diet requires it food may also be delivered. These items are to be added to the detainee's property at the Charge Counter (with the tape running) after they have been searched for contraband/seizable items.

It is left to the Sergeant's discretion whether the items left by the visitors can be given to the detainee.

Other visitors for detainees (such as counsellors or Mental Health employees) are admitted to the Watch-house at the discretion of the Watch-house Sergeant. Usual practice would be for any visitors admitted to the Watch-house to report to the Charge Counter and speak to the Sergeant prior to seeing/speaking to a detainee. This ensures the Sergeant is aware of what is occurring and ensures the safety of Watch-house staff and the visitor.

Other visitors to the Watch-house

Occasionally formal visits to the Watch-house will occur by people from the ACT DPP, AFP Recruit Courses, the Commonwealth Ombudsman and staff from other law enforcement agencies. Such visits are to be approved by the JO Superintendent and the OIC Judicial Operations where possible and the Watch-house Sergeant or OIC Judicial Operations is responsible for guiding such visitors around the Watch-house.

During any such visits, due regard is to be held for the privacy and dignity of any persons in custody at the Watch-house and access to cells or areas where persons are detained is to be prevented unless impractical or unavoidable.

Section 3 – Emergency Procedures

3.1 ACT Policing counter-terrorism and emergency management plan

Members should familiarise themselves with The ACT Policing Counter Terrorism and Emergency Management Plan. This plan outlines the coordination arrangements, procedures and protocols that facilitate the implementation and integration of counter-terrorism and emergency management arrangements in the ACT.

3.2 Emergency evacuation procedures (ACT Policing guide)

All members working in the Watch-house should familiarise themselves with the ACTWH Emergency Evacuation Procedures. Use the below hyperlink to access the document.

Those procedures form part of the business continuity plan for City Police Station. Any changes to the document should be first addressed through the OIC City Police Station.

s37(2)(b), s47E(d)

3.3 Emergency evacuation procedures – test and practice scenarios

During Induction Training Watch-house staff will be shown the alarm panels, assembly points and evacuation points within the Watch-house. Part of the normal testing of evacuation alarms and alerts for City Station include those alarms and alerts to be heard within the Watch-house.

The actual evacuation during any drill style exercise of the Watch-house, including any detainees and staff, will only occur after discussion with the OIC Judicial Operations. If the decision is made to evacuate the Watch-house during a drill style exercise, staff will comply with the provisions of the Emergency Evacuation Procedures ACTWH.

3.4 Business continuity plan (part of City Police Station BCP)

In the event of an evacuation and the temporary relocation of the Watch-house to an alternative location negotiations between the OIC Judicial Operations, the OIC City Station and other relevant parties via the notification guideline as per point 3.2 and ACT Corrections, will commence at the earliest practicable opportunity to identify the most suitable alternative location for ongoing Watch-house operations.

The duration of operations at an alternative location will be subject to the nature of the incident requiring evacuation, and potentially any damage that may have been caused to the structural integrity of City Station/ACTWH.

3.5 Notification to ACT Fire Brigade

In the event of a fire, fire alarm activation or relevant building alarm, the ACT Fire Brigade will receive automatic notification and will attend at the Watch-house to assess the situation.

Any notifications that are required to be made to ACT Fire Brigade shall be made through Police Operations.

3.6 Notification to ACT Ambulance Service

For urgent and immediate dispatch of an ambulance to the Watch-house, ACT Ambulance Service Operations are to be contacted s47F, s47G(1)(a)

Whenever an ambulance is requested to attend the Watch-house during business hours, both the JO and OIC Judicial Operations are to be notified. Outside of business hours a notification is to be made to either Alpha 7 or Alpha 8 to advise them of the request. This request can be facilitated through the Police Operations Sergeant as this will also assist in keeping Police Operations up to date. A note is also to be made in the Cell Management system against the person's entity, detailing the request and reason for Ambulance attendance.

3.7 Notification to Police Operations

Non-urgent queries and notifications can be made to Police Operations. For notification of Management Significant incidents and other urgent matters, the Operations Sergeant.

In the event of duress alarm activations, building alarm activations or any other incident requiring emergency action to be taken by Watch-house staff, Police Operations shall be contacted and advised, particularly if assistance is or is likely to be sought from ACT Policing members in relation to detainee movements.

3.8 Miscellaneous emergency provisions

3.8.1 Suspect mail

The Watch-house Sergeant on shift is to assume command and control of the incident until relieved by a more senior officer.

Standard cordon, containment and isolation principles should be applied in the event of a suspect mail package being identified in, or near, the Watch-house. Immediate notification should be made and relevant support sought via Police Operations to assist in the resolution of the incident.

3.8.2 Chemical biological radioactive incidents

The Watch-house Sergeant on shift is to assume command and control of the incident until relieved by a more senior officer.

Standard cordon, containment and isolation principles should be applied in the event of a chemical, biological or radioactive (CBR) incident occurring in, or near, the Watch-house. Immediate notification should be made and relevant support sought via Police Operations to assist in the resolution of the incident.

3.8.3 Riot / siege / hostage situation

The Watch-house Sergeant on shift is to assume command and control of the incident until relieved by a more senior officer.

Standard cordon, containment and negotiation principles should be applied in the event of a riot, siege or hostage situation occurring within the Watch-house. s37(2)(b), s47E(d) Immediate support, particularly from SRS and Police Negotiations Team should be sought via Police Operations to assist in the resolution of the incident. Watch-house staff will comply with the provisions of Commissioners Order 3 – Use of Force to resolve any incident of this nature.

3.8.4 Escape and attempted escape from custody

The Watch-house Sergeant on shift is to assume command and control of the incident until relieved by a more senior officer.

Standard response practices and investigative/evidentiary procedures are to be implemented and any such acts are to be treated appropriately from both welfare and criminal investigation perspectives.

s37(2)(c), s47E(d) Watch-house staff will comply with the provisions of Commissioners Order 3 – Use of Force to resolve any incident of this nature. Immediate notification should be made and relevant support sought via Police Operations to assist in the resolution of the incident.

3.8.5 Emergency opening of cell doors (failed / broken locks)

Refer to **Section 7 – Facilities management – Cell locks** for further information.

If a detainee is in need of urgent medical assistance and it is deemed necessary for the cell door lock to be forcibly opened in the event of a failed or broken lock, s37(2)(b), s47E(d) This procedure is only to be used in an emergency as considerable damage will be done to the lock, cell door and door jamb.

3.8.6 Knives / concealed items / weapons

The Watch-house Sergeant on shift is to assume command and control of the incident until relieved by a more senior officer.

Standard cordon, containment and negotiation principles should be applied in an event of this nature occurring within the Watch-house. s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

Immediate support should be sought via Police Operations to assist in the resolution of the incident. Watch-house staff will comply with the provisions of Commissioners Order 3 – Use of Force to resolve any incident of this nature.

Section 4 – Detainee reception and lodgement

4.1 Reception at Watch-house

s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

4.2 Non-compliant / violent detainees

Members are reminded that any dealings with detainees should be undertaken in pairs to ensure operational safety.

Members shall give due consideration to Use of Force options available to them in accordance with Commissioner's Orders 3.

Members shall also give due consideration to the Top 10 Safety Principles for Operational Policing:

1. **Safety First** - The safety of police, the public and offenders or suspects is paramount.

2. **Risk Assessment** - Risk assessment is to be applied to all incidents and operations.

3. **Take Charge** - Effective command and control must be exercised.

4. **Planned Response** - Every opportunity should be taken to convert an unplanned response into a planned operation. Use all available resources including Crisis Intervention Team, Ambulance Officers, Psychiatrists or family members.

5. **Cordon and Containment** - Unless it is not practical to do so, a 'cordon and containment' approach is to be adopted - use trained police negotiators in all cases.

6. **Avoid Confrontation** - A violent confrontation is to be avoided.

7. **Avoid Force** - The use of force is to be avoided.

8. **Minimum Force** - Where force cannot be avoided, only the minimum amount reasonably necessary is to be used.

9. **Forced Entry Searches** - Forced entry searches are to be used only as a last resort.

10. **Resources** - It is acceptable that the 'safety first' principle may require the deployment of more resources, more complex planning and more time to complete.

4.3 Guidance on use of force in the ACT Policing ACTWH

ACT Policing management recognises that the Watch-house is a place where use of force will be required to be used despite best efforts to avoid such use.

Use of force in appropriate circumstances is essential to protect staff and other people in the Watch-house. Inappropriate use of force, however, can result in PRS investigation, suspension and/or dismissal from employment and/or the laying of disciplinary and/or criminal charges.

Where any Use of Force option has been used, a Use of Force report must be submitted in accordance with Commissioner's Order 3.

The ACT Policing Executive Committee has considered the unique circumstances of the Watch-house, including the constant video surveillance of the area. The compliant escorting of a detainee within the Watch-house is considered administrative in nature and hence, does not require a Use of Force form to be completed. A Use of Force form is, however, required where any physical resistance is offered by a detainee, or any more serious Use of Force is used.

4.4 Intake Form

This form is intended to accurately and succinctly detail all welfare information pertaining to a detainee upon Lodgement as well as record details of all property the detainee had in their possession at the time of Lodgement in the Watch-house.

Once this form is completed the allocated cell in which the detainee is placed is to be written onto the form for future reference.

This form is held at the ACT Watch-house.

4.5 Medical questions/risk assessment

Members are reminded of their obligations under the ACT Policing: Practical Guide: Persons In Custody: Assessment of Persons in Custody. These are covered in detail **– General Information – Operations – Duty of Care/At-risk detainees**.

The questions asked of a detainee upon Lodgement were designed in consultation with the Director of CFACT Medical Services and are intended to ensure Watch-house staff gain sufficient medical information about a detainee in order to provide basic background information to doctors/nurses, ACT Ambulance Service Paramedics and any other medical practitioners who may be required to attend the Watch-house in order to provide medical care and treatment to detainees.

Detainees can not be compelled to provide answers to the questions but where possible, detainees should be encouraged to provide information that can assist in the better treatment and monitoring of their health, safety and wellbeing while they are in Police custody.

The Lodgement process that a detainee undergoes when they first attend the Watch-house also provides Watch-house staff with an opportunity to assess the detainee's welfare and mental state and take action as deemed necessary such as calling an ambulance, contacting ACT Mental Health, etc. A process of assess and re-assess should take place during the time the persons is in custody so that members are aware of the current risks to the detainee.

This risk assessment process will also consider the circumstances of the detainees' arrest and/or custody.

4.6 Searching detainees

Always wear gloves during a search. Some detainees will secrete drugs, needles, razor blades, lighters and other items which can be used to harm themselves, other detainees, Watch-house staff or other people.

Always ask the detainee to:

s37(1)(c), s37(2)(b)

Where possible, ask the detainee to assist in the search process, such as running their hands around the waistband of their pants, removing their shoes and socks, and so forth.

Removing detainee property:

- All earrings and piercings, including nose, belly button, ear, lip, eye, etc, should be removed. Such items cannot be taken into the cell without express permission from the Watch-house Sergeant.
- Rings, necklaces, bracelets and any other items of jewellery should be removed.
- Belts, hair ties, rubber bands, bandages, beanies, glasses and any other accessories should be removed.
- Draw cords in pants – these should be removed from the waistband, or if they can not then they may need to be cut from the pants. If a prisoner does not want their clothing damaged then the only option is for them to completely remove the clothing and, if appropriate, they can be given disposable overalls, a tear-proof smock or blanket.
- All property in pockets (including loose change, lighters, wallets) is to be removed.
- Any items of clothing which may pose a risk to the detainee or which could be used by the detainee to harm someone are to be removed. This includes clothing with draw cords or drawstrings attached, clothing with chains attached, clothing with ties or fasteners attached, etc.
- Shoes and jumpers are to be removed. Any excessive layers of clothing are to be removed to leave only one layer of clothing (e.g. a t-shirt only and pants only) unless the contrary is permitted by the Watch-house Sergeant.

All detainees **must** be searched **completely**. Do not be casual or complacent with detainees who may be in custody for the first time. Search **every** detainee completely **every** time.

Extra attention needs to be taken in relation to detainees who have a history / predilection for secreting items internally or in places difficult to search, such as underwear. In these circumstances, give consideration to use of the hand-held metal detector to scan intimate areas of the detainee.

s37(1)(c), s37(2)(b)

s37(1)(c), s37(2)(b)

Furthermore, in such circumstances, strong consideration should be given to utilisation of powers under the *Crimes Act 1900* (sections 227 and 228) in respect to conducting a strip search of the person in order to locate and seize any evidential material or seizable items. As required by the Act, such a search must have approval from a member of the Rank of Superintendent or above prior to being commenced.

Members are to remember their operational safety skills in relation to searching and the dangers involved. Detainee search is not an activity that can be conducted with complacency.

The dignity of the detainee is to be protected by conducting strip searches and disrobing in an area outside the viewing of CCTV. Any strip search conducted pursuant to the *Crimes Act 1900* must comply with sections 227 and 228 by

ensuring the search is conducted in private and not in the view or presence of a person of the opposite sex.

In the event that there is a need to remove the clothing from a detainee because of self harm or the threat of self harm, the detainee is to be provided with a tear-proof smock and/or tear-proof blanket if deemed appropriate by the Watch-house Sergeant. If the detainee continues to attempt to use the tear-proof items to self harm, they are to be removed from the detainee. At all times, the dignity of the detainee is to be considered and the detainee should not be left naked if at all possible.

OIC Judicial Operations is to be advised of any strip search or incident where a person's clothing is removed because of a risk of self harm or otherwise.

4.7 Property lodgement and seizure

On arrival at the charge counter (and if the detainee is compliant) Watch-house staff need to place onto the charge counter:

- 1 x zip property bag
- 1 x blue security audit tag clip

Once the detainee has emptied their property onto the charge counter and Watch-house staff are satisfied that the detainee has no other items on their person, their property may be recorded. Place **all** property in front of the detainee on the charge counter so that it can be clearly seen by the Sergeant, Watch-house staff, the detainee and the cameras.

Once the property is on the counter it is not to be touched by the detainee again.

A constable will run through the property with the Watch-house Sergeant when they are ready in the following order:

1. *Money*. **All must be found and accounted for**. Ask the detainee to verify the count if appropriate. **Money must be laid out flat and not stacked**. Foreign currency is not legal currency in Australia and should be treated as property not cash, but it must still be counted out like Australian currency.

2. *Credit cards, key cards and gift cards.* Identify **any** cards that have the ability to be used as cash (i.e. VISA, MasterCard etc). Details of each key card do not need to be listed and a recorded total such as '3 x key cards' will suffice on the lodgement form. Once again, this process is being recorded - so exact details of the cards located should not be required.

3. *Wallet and contents*. Wallets must be emptied totally.

4. *Mobile phones* should be switched off s37(2)(b)

5. *All jewellery, watches and other items of value*.

6. *Shoes, clothing etc.*

All property of value that fits into the clear zip bag must be placed inside the bag. The bag then gets zipped closed and the blue security clip (Harcor seal) is locked into the zipper. The number of the seal MUST be recorded on the 'Intake Form'.

Any illegal material or seizable items, such as drugs or weapons, are to be verbally identified when located s37(2)(b) The arresting member should also identify their name and badge number in taking possession of the item.

Prisoner property including the sealed zip bag with security audit tag will be stored in the cupboards s37(2)(b)

Items of cultural or religious significance should be handled with due respect. Favourable consideration should be given to requests for detainees to keep property that they identify as culturally or religiously significant to them, providing they do not pose a threat to the safety of members, themselves and other detainees.

4.8 Cell lodgement/cell allocation

Once the process of lodging property and searching the detainee is complete, the Watch-house staff will take and place the detainee in an appropriate cell.

The arresting/conveying members will then write the detainee's details on the whiteboard.

s37(1)(c), s37(2)(b)

s37(1)(c), s37(2)(b)

4.9 Intoxicated persons

> **Watch house staff are reminded** that unconscious intoxicated persons will not be accepted into the watch house. They must be seen by ACT ambulance service paramedics and preferably taken to a hospital where their welfare can be better monitored by trained medical professionals.

Intoxicated persons lodged at the City Watch-house fall into three categories:

1. I & D: **Intoxicated and Disorderly**, behaving in an anti-social and/or disorderly manner;
2. I & P: **Intoxicated and in need of Protection**, incapacitated and unable to protect themselves from physical harm; and
3. I & I: **Intoxicated and behaving in a way likely to cause Injury** to themselves or others or cause damage to property.

In summary, an intoxicated person can be held in protective custody for no more than 8 hours unless the person consents to being held longer, up to a total of 12 hours.

On the Watch-house detainee whiteboard, the intoxicated person is listed according to their reason for Lodgement (such as 'I & D') with their release time noted. To ensure detainees are released firstly at **four** hours, and again **within** the **eight** hours from the time the detainee was taken into custody (not when they were lodged).

Intoxicated persons are treated the same as regular detainees however, upon their departure, they are not charged with a substantive criminal offence. This does NOT make them any less dangerous or less able to cause harm and they must be searched like any other detainee. An intoxicated person's demeanour will vary from being barely able to walk and talk to fighting their escort right into the cell. If they commit an offence in the Watch-house such as assaulting police or damaging property, then consideration should be given to charging them for the substantive criminal offence when they are sober. In this circumstance, where an offence has been identified, no formal time limits apply in relation to undertaking the charge process with the detainee. It is up to the discretion of the Watch-house Sergeant if the person is sober and compliant enough to be charged.

If concerns are still held about a persons welfare due to an obvious state of (alcohol and/or drug related) intoxication at or nearing 8 hours of custody, then the person should be medically assessed to ensure they have not suffered any sort of head injury or mental health condition which could be contributing to abnormal behaviour.

If a person is lodged for intoxication and a reasonable alternative for his/her care and accommodation can be organised, then it is prudent to try and facilitate the intoxicated person's release into the care and custody of a responsible person as soon as possible (in keeping with the spirit of the *Intoxicated People (Care and Protection) Act 1994*. This could include, but is not limited to, the intoxicated persons spouse, de facto, partner, parents, siblings, friends, etc.

It is up to the ACTWH Sergeant to assess and ensure that an appropriate level of care and responsibility can be exercised over the intoxicated person if he/she were to be released and that there is no apprehension of violence (against or by the intoxicated person) or other inappropriate behaviour that could occur (against or by the intoxicated person). As a guide, it is worth discussing with the intoxicated person their thoughts on any person who has offered/is able to assume care and responsibility for the intoxicated person.

For juveniles lodged for intoxication, it is incumbent to try and contact a person with parental responsibility to come and collect the juvenile and take him/her into their protective custody as soon as is possible. If no adult can be located and the juvenile is 15 years old or under, then consideration should be given to contacting the Office of Children, Youth and Family Support: Care and Protection Services - Centralised Intake Services: 1300556729 (Crisis services and General Public line).

Further consideration must be given to lodging intoxicated persons at the ACT Sobering Up Facility before admission at the ACTWH.

In order to release a person lodged for intoxication from the ACTWH the procedure is as follows:

1. Escort the detainee to the charge counter.
2. s37(2)(b)
3. Obtain the correct property for the detainee. Cross check the seal number on the zip bag and open the seal.
4. Verbally confirm all property items by ticking **all** items on the property list against the physical property.
5. **Make sure the owner signs the property list before taking any property**. If the detainee refuses to sign the property list then verbally confirm this on the Charge tape and sign off on the Property sheet.
6. Every property list is to be kept and stored in the detainee property folder.
7. Once they have their property, escort them to the exit s37(2)(b)

Refer to Legislation: *Intoxicated Persons (Care & Protection) Act 1994*.

4.10 Complaints made by detainees

It is recognised that people who come into custody in the Watch-house may wish to complain. Such complaints may be related to the fact that they have been arrested, rather than a complaint which relates to the conduct of police or Watch-house staff . It is also recognised that detainees may be agitated and under the influence of drugs and/or alcohol when they first arrive at the Watch-house. This may make taking a complaint very difficult at that time.

The joint review of the AFP and Ombudsman into ACT Policing's Watch-house operations **recommended the following procedures be adopted** within the Watch-house in regard to the taking of complaints from detainees.

> 'All requests to complain made by a detainee should be noted in the Cell management data base.

When leaving the Watch-house, on transfer to another custodial facility or on release, a detainee who has at any stage sought to complain should be reminded of that by the Watch-house Sergeant and provided with the opportunity to pursue the complaint.'

- **At the time the complaint is raised:**

  'I will note your concerns, and you will be given the opportunity to follow up on your concerns prior to leaving the Watch-house.'

- **Prior to the detainee leaving the Watch-house, on recorded tape:**

  'I understand that earlier, you raised issues that you were concerned about. Do you still have concerns about those issues?'

  If the answer is **no** then the matter is concluded.

  If the answer is **yes**;

  'If you would like to make a formal complaint, I am willing to take that complaint now. If you do not make a complaint at this time, you are not precluded from making a complaint at a later time, either to police or to the Ombudsman. I can supply you with information and contact details for the Ombudsman if you would prefer. Do you wish to make a formal complaint here and now to me?'

  If the answer is **yes**, a complaint is then taken.

  If the answer is **no** either hand them the Ombudsman's contact details if they are being released or add the Ombudsman's contact details to their property and advise them you have done this if they are being transferred.

Members are reminded that Category 1 complaints (see below) are workplace management issues which may be able to be resolved at the time without entry onto CRAMS.

Category 1 matters arising from the complainant's misunderstanding of the facts, law or police procedure can be resolved informally and do not need to be recorded on the Complaint Recording and Management System (CRAMS). In the Watch-house, resolution of these matters should be recorded in the Cell Management System.

In these cases, the appointee must be satisfied that providing an explanation to the complainant or taking some other action is likely to resolve the matter within 48 hours. If the matter cannot be resolved within 48 hours, it must be entered into CRAMS.

Category 2 and 3 complaints require entry onto the CRAMS system.

Complaint categories

Category 1. Category 1 matters are limited to:

- minor management matters, customer service issues and other inappropriate conduct that discloses a need for improvement in the performance of the AFP appointee concerned, or
- matters that disclose a need for improvement in the practices and procedures of the AFP.

Category 2. Category 2 matters are limited to:
- minor misconduct and other inappropriate conduct that disclose unsatisfactory behaviour of the AFP appointee concerned;
- matters that disclose unsatisfactory practices and procedures of the AFP.

Category 3. Category 3 matters are serious matters, including (but not limited to):
- matters that may give rise to questions of employment suitability of the AFP appointee concerned, including (but not limited to): a serious breach of the criminal law, a serious neglect of duty or serious professional misconduct, or
- matters that disclose serious or systemic practice and procedures issues.

Category 4. This is a corruption matter within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*.

4.11 Non-English-speaking detainees/Translating and Interpreting Service (TIS)/telephone interpreters

There will be occasions when a person in custody does not appear to speak or comprehend the English language and so a language translator may need to be organised to facilitate communication with the detainee, particularly for the reception process and any charge process. This is most appropriately done by utilising the services of the Department of Immigration and Citizenship (DIAC) Telephone Translating and Interpreting Service (TIS).

TIS will organise immediate interpreting services over the phone so that a three way conversation can take place between the Watch-house Sergeant, the interpreter and the detainee. All such communications are to take place at the Charge Counter in one of two ways:

1. The detainee is to use the charge counter phone to speak to the interpreter while the Watch-house Sergeant (or other ACTWH staff) utilise the secondary telephone adjacent to the printer. This second phone is connected to the charge counter phone and allows ACTWH staff to listen and speak to the detainee and the interpreter over the telephone handset; or
2. Use the hands-free function of the charge counter phone to enable a ‘conference-call’ conversation to take place between the detainee, the Watch-house Sergeant (or other ACTWH staff) and the interpreter. The benefit of this option is that the conversation will be recorded on the charge counter audio, should this be deemed appropriate or necessary.

For persons who have other forms of communication difficulties, for example, are deaf or mute, and require special assistance to effectively communicate with Watch-house staff, appropriate arrangements will need to be made so as to ensure that the detainee is not disadvantaged while at the Watch-house and

that all relevant information is obtained to ensure their welfare is maintained and dignity upheld.

Religious considerations

Access to religious advisers will be made available to detainees who request such. The various denominations are available in the white pages and/or through the AFP Chaplaincy.

Hearing impaired

The Deaf Sign Language Interpreter Service can be contacted s47F, s47G(1)(a)

Further information regarding the Multi-cultural community can be found at the Multi-cultural Liaison page on the AFPHUB at the Watch-house Cultural Awareness Training Package.

Section 5 – Detainee Care

5.1 Cell intercom

s37(2)(b), s47E(d)

To operate the cell intercom, when a detainee has pressed the cell intercom button in their cell an audible alert tone will be heard emanating from the control panel and the display will show the number of the cell from which the call originates. By pressing the 'MUTE' button the alarm will silence and by pressing and holding the 'PTT' (*Press To Talk*) button, Watch-house staff are able to speak to the detainee. This button is to be released in order to hear the detainee reply over the control panel speaker.

To initiate contact with a cell, press the cell number (using the zero prefix for cell numbers s37(2)(b), s47E(d)) and then enter on the relevant control panel and ensure the volume dial is turned up loud enough to hear the detainee speaking.

Members are to be mindful of the proper use of the cell intercom system having regard to the following:

- All intercom calls from a prisoner should be answered promptly.
- The reason for the call is to be ascertained.
- If a legitimate request is made it is to be satisfied as soon as possible
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- s37(2)(b), s47E(d)

All action taken (or not taken) by Watch-house staff in response to requests made by detainees through the cell intercom should be appropriately recorded against the detainee's Cell Management entry.

5.2 Clothing / showers / sanitary needs / blankets

Legislated obligations to detainees

Members are reminded that under the *Bail Act 1992*, Section 18 - Facilities to be provided to accused people, if an accused person in police custody is to be brought, for the first time in relation to the offence, before a court more than 4 hours after the person came into custody, Watch-house staff shall, if it is reasonably practicable to do so, cause the person to be provided with, and allowed to use:

- facilities to enable the accused person to wash, shower or bathe and (if appropriate) to shave
- facilities to enable the accused person to change his or her clothing.

This section also states that there is no legislated requirement for any member of ACT Policing or the AFP to provide clothing for the accused person unless the clothing is brought to the Police Station or other place where the accused person is in custody by a member of the accused person's family or some other person.

Clothing

Should a person be presented with clean/fresh clothes by a family member/friend (etc) then where reasonable, the detainee should be presented with an opportunity to change into those clothes.

Watch-house staff should also consider that for any person detained at the Watch-house in order to attend Court the following morning, there is likely to be no opportunity to change clothes at the Watch-house in the morning given the time-constraints associated with the handover procedures of detainees to ACT Corrective Services Court Transport Unit.

Showers

Each mass-holding cell block has two showers. These are usually kept locked and need to be opened by Watch-house staff at opportune times for detainees to shower. This is usually done at breakfast time prior to detainees going into the custody of ACT Corrective Services Court Transport Unit.

Consideration should be given to allowing detainees to shower at other times if appropriate or necessary. Such occasions include, but are not limited to, detainees who have soiled themselves prior to being lodged at the Watch-house.

Each detainee is to be provided with two towels for the purpose of drying themselves after a shower.

Soap should also be made available to prisoners by Watch-house staff. Soap is stored in the storage area outside the female mass holding cell block.

Blankets

Each detainee can be provided with two blankets to keep them warm while they are in custody at the Watch-house. Care should be taken in providing blankets to detainees who are considered 'At-risk' or who have a propensity for self harm s37(1)(b), s37(1)(c)

5.3 Decontamination of detainees from exposure to oleoresin capsicum spray

Persons in police custody who have been subjected to Oleoresin Capsicum (OC) spray and conveyed to the Watch-house will need to be decontaminated.

The decontamination process should occur unless the behaviour and demeanour of the detainee is such that undertaking a decontamination process would risk further harm being caused to the detainee or to members of ACT Policing because of the aggressive and violent actions of the detainee.

In the ACTWH s37(2)(b), s47E(d) is a decontamination shower and face wash. Watch-house staff are to assist the detainee from the conveying vehicle, with assistance from the conveying patrol if needed, to the shower/face wash equipment and thoroughly rinse/wash the affected facial area of the detainee. Towels can be provided to the detainee to assist in drying and preventing further re-contamination of the detainee by residual OC spray, for example, from OC spray not properly rinsed out of their hair.

The detainee is to be brought to the Charge Counter area and the normal reception and Lodgement process is to commence.

If appropriate, the detainee is to be closely monitored to ensure they have no adverse affects from their exposure to the OC spray. It may be prudent to place such a detainee in the 'At-risk' cells s37(2)(b), s47E(d) for the short term.

If the conduct of a detainee who arrives at the Watch-house is such that no decontamination process is undertaken (this decision should be made by the Watch-house Sergeant), the detainee is to be escorted by Watch-house staff and the conveying patrol to a padded cell (preferably) where relevant safety precautions and Lodgement procedures can be undertaken (such as a non-compliant search of the person) and the person's welfare can be monitored. Use of the padded cell may be the most appropriate if the detainee is incapacitated by the OC spray and the incidence of the detainee injuring or harming themselves needs to be minimised. In any event and in accordance with CO3, a detainee should be decontaminated as soon as practicable.

The large OC foam spray canisters that are in the Watch-house are only to be used by the Watch-house Sergeant unless specific instructions to the contrary are given by the Watch-house Sergeant. s37(2)(b), s37(1)(c), s47E(d)

s37(1)(c), s37(2)(b), s47E(d)

5.4 Handling of detainees

The guiding principle is **duty of care to everyone**:

To yourself:

- Always wear gloves.
- Always search a person thoroughly and safely.
- Never enter a detainee's cell alone.

To the detainee: Welfare of the detainee is paramount.

5.5 Identifying detainees

s37(1)(c), s37(2)(b), s47E(d)

In the ordinary course of the reception and Lodgement procedures for any detainee, they will clearly be asked to identify themselves by the Watch-house Sergeant and will be asked to provide details such as their full name, date of birth and residential address. This may be of assistance to arresting/conveying patrols that may still be making enquiries to establish the true identity of the person they have apprehended.

For any person where identity is an issue, consideration should be given by the Watch-house Sergeant in relation to the issue of bail in accordance with the provisions of the *Bail Act 1992*, such as Section 22 – Criteria for granting bail to adults.

The taking of identification material, including photographs and fingerprints, in accordance with Section 230 of the *Crimes Act 1900* may go towards establishing/confirming the identity of a detainee who has been subject to the charge process. If a person has previously been fingerprinted, then the Livescan fingerprint machine may have a positive identification match in as little as ten minutes. See also **Section 6.9**.

> **Remember:** Persons charged with an offence should not be permitted to appear before a Court under an assumed name. The responsibility for determining a person's identity rests with the arresting member. If the identity of a person can not be satisfactorily obtained then the person is to be put before the Court with a full explanation (in the Statement of Facts) of the attempts to identify them. Furthermore, it would be prudent for consideration to be given to opposing bail on a detainee where his/her identity can not be satisfactorily determined.

5.6 Meals

Persons brought to the Watch-house who have substantive charges placed on them and are in the cells for a substantial amount of time are entitled to a meal. The Watch-house has a kitchen that is maintained by the day shift staff

(refer to **Section 9 – Watch-house Constable Duties** for further information).

- Normal breakfast meals consist of slices of toast, juice and/or coffee/tea. Spreads (jam, peanut butter) are to be provided to the detainee to put onto their toast.
- Normal lunch meals consist of pre-made sandwiches, juice and/or coffee/tea.
- Normal dinner meals consist of pre-prepared frozen meals, juice and/or coffee/tea. Sandwiches can also be provided if requested.

Frozen meals are provided to detainees in the packaging in which they come prepared in. Toast is provided to detainees wrapped in paper towels along with some condiments (jams etc.). Sandwiches are provided to detainees in the plastic containers in which they come packaged. Juices are provided to detainees in the containers in which they come packaged.

If detainees are requesting food or are in the Watch-house for a substantial period of time prior to charging/going to Court, then it is acceptable to provide a sandwich and juice, tea and coffee to the detainee.

The provision of food to a detainee is done so at the discretion of Watch-house staff, taking into account factors such as the detainee's demeanour. Detainees who are behaving aggressively and violently and who, for example, may be in a padded cell, should not be provided with food without the approval of the Watch-house Sergeant. Where a detainee is refused a meal those reasons will be noted in Cell Management.

Intoxicated people are susceptible to vomiting and may have difficulty caring for themselves; this includes choking on their vomit, soiling their clothes and being susceptible to falls. Food may be offered to intoxicated persons depending on their level of intoxication, but only after consultation with the Watch House Sergeant. Any concerns as to the suitability of the intoxicated person receiving food should be raised with the on-duty CFACT nurse or the on-call FMO.

The provision of food to detainees is to be recorded on Cell Management against that detainee's details.

If a detainee has special dietary requirements, then they are to be catered for as much as possible. For example, if a detainee is a vegetarian or requires Halal meals, efforts should be made to provide appropriate meals to the detainee. Any other special dietary requirements by detainees are to be dealt with by Watch-house staff on a case-by-case basis, with suitable food provided.

CFACT has advised that the vegetarian meals currently provided satisfy Halal requirements.

Members may also request Halal meals as required when ordering meals.

In special circumstances, approval may be given by the Watch–house sergeant for family/friends to bring in food for a detainee. Such food items need to be checked (e.g. packaging opened if necessary) to ensure that no drugs or seizable items are attempting to be smuggled into the Watch-house.

s37(2)(b), s47E(d)

5.7 Medical needs

If a detainee requires immediate urgent medical attention Ambulance Paramedics will be called. If a detainee needs non urgent medical attention either the Clinical Forensics ACT (CFACT) on-call doctor, resident nurse or Ambulance Paramedics will be contacted.

A CFACT nurse is on duty in the watch-house seven days a week. Paramedics are only usually contacted if there is urgent medical assistance required or the possibility that the detainee may need further attention at Hospital. If the detainee needs medication of any type the Watch-house Sergeant will contact the CFACT doctor prior to giving any medication to the detainee. Additional nursing shifts can be arranged for times of exceptional circumstance e.g. VIP visits, very high throughput times.

s37(1)(b), s37(1)(c), s37(2)(b)

Under no circumstances is any medication to be given to a detainee without consultation with the Watch House sergeant and CFACT doctor.

Clinical Forensics ACT (CFACT) Doctor / Nurse

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s37(2)(b), s47E(d)

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- s37(2)(b), s47E(d)
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If a detainee is demanding to be seen by a medical practitioner, the CFACT doctor **will** be contacted and their advice sought on each and every occasion. Any decision about the attendance/non-attendance of the CFACT doctor and any action they authorise Watch-house staff to undertake should be documented.

Any medication taken by a detainee is to be consumed on tape at the charge counter, unless the Watch-house Sergeant stipulates otherwise. It does not matter whether the medication is in the detainee's property or prescribed by the CFACT doctor. Watch-house staff are to observe this procedure regardless of what type of medication is to be taken. No medication will be given to the Detainee until the CFACT is called and approves the dispensing of the medication, even if the medication is in the detainee's possession on arrival at the ACTWH.

s37(2)(b), s47E(d)

If the detainee does not wish to take the medication in front of you as per the FMO's instructions do not administer the medication and make notes as to reason/refusal on the medical sheets and in Cell Management. If a reason is supplied by the detainee as to why it has/will not be consumed always return the medication to FMO and seek advice from the FMO **do not** leave it with the detainee.

Medication prescribed for and provided to a detainee at the Watch-house is to remain at the Watch-house as it is the property of ACT Policing. Should a detainee wish for medication in relation to a current medical condition they have, they are to seek further medical attention and advice from a qualified

medical practitioner. They are **not** to be provided with medication from the Watch-house unless it is part of the property they came into the Watch-house with.

Detainees are not to be conveyed from the Watch-house for any medical needs, other than transport to a hospital on advice from the CFACT doctor or an Ambulance Paramedic. This means detainees do not get to be escorted to collect their daily doses of methadone or butrenorphine, etc. If a prisoner is complaining of illness/withdrawal symptoms, contact the on-call CFACT doctor.

If an ambulance needs to be called to the Watch-house as a matter of priority, the ACT Ambulance Service Operations centre can be contacted s47F, s47G(1)(a)

s37(2)(b)

Medical assessment for fitness to interview / undergo forensic procedures

The on-call Clinical Forensic ACT doctor is able to attend the Watch-house to medically assess a detainee who may be intoxicated or who indicates they have consumed an intoxicating substance (for example, alcohol and/or drugs) or who may be suffering from a mental impairment. The doctor can then provide a medical opinion as to the detainee's ability to comprehend information sufficient to participate in a taped record of interview or forensic procedure. Note that a higher level of comprehension is required by the detainee to participate in a formal taped record of interview, as opposed to being regarded as a 'capable person' in accordance with Section 15 of the *Crimes (Forensic Procedures) Act 2000*.

Watch-house staff are to ensure that the doctor who attends and makes such an assessment provides a written report (such as a Police Advice Form) of their opinion on the detainee's fitness to interview and/or participate in a forensic procedure. A copy of this form is to be provided to the investigating members for evidentiary purposes while the original is to be filed appropriately in the 'Doctor's Statements' folder).

Guidance on provision of medical services in the ACT ACTWH

Where a detainee has caused self harm and the situation is urgent, an ambulance will be contacted. Normal internal notification processes should also be followed.

Where a detainee has caused self harm (minor and non urgent), has attempted to cause self harm or threatened to cause self harm, the Mental Health Crisis Team (MHCT) should be notified, whether they decide to attend or not is a matter for them. If the MHCT does not attend or cannot be contacted, the on-call CFACT doctor should be contacted. Normal internal notification processes should also be followed.

Where a detainee is acting in an irrational manner and causes a disturbance and continues (after negotiation has failed) to cause a disturbance, without causing self harm, attempting to cause self harm or threatening self harm, the on-call CFACT doctor should be contacted.

The doctor may decide that no action is appropriate and that time alone will suffice to abate the irrational behaviour. The doctor may also decide that a person needs to be sedated and transported to hospital or that some other treatment is required.

Appropriate assistance will be provided to the CFACT doctor to facilitate the treatment regime determined by the CFACT doctor.

Where any of the above instances occur, notation should be made in the cell management system of all actions taken and decisions made by the doctor. If the doctor has left and the situation changes, the doctor should be called back.

Where there is any use of force necessary to subdue a detainee, a Use of Force form should be submitted in accordance with CO3 and normal requirements.

The above process should not prevent the rendering of first aid and any other appropriate action being taken in the interim while awaiting the ambulance, MHCT or CFACT doctor, to prevent or lessen self harm or harm to others.

Watch-house staff are reminded of their obligation to obtain medical advice:

- if requested by a detainee
- whenever a detainee may have suffered an injury in the Watch-house
- whenever a detainee complains of injury, regardless of whether the injury occurred during arrest or in the Watch-house
- if the detainee has demonstrated symptoms of an impaired state of consciousness or staff are in any doubt about the detainee's health.

5.8 Monitoring of detainees including by whiteboard

s37(2)(b)

Watch-house staff are responsible for regular monitoring and recording of detainee's welfare, demeanour and activity. This also includes recording internal and

external cell transfers, such as when a detainee is moved from one cell to another.

Any visits, medical needs, activity inside the cell, meal provisions, etc is to be recorded

s37(2)(b)

The detainee whiteboard

The detainee whiteboard is a manual quick reference for Watch-house staff and visiting members and it contains a summary of relevant detainee information. Basic information stored on the board shows the detainee's:

- full name
- date of birth
- apprehension date
- arrest time
- offence(s) committed
- arresting officers' names
- anticipated time of release (for intoxicated persons)
- action to be taken with a detainee (for example, going to court or Bimberi).

s37(2)(b)

s37(2)(b)

Inspection of detainees in cell

Regular checks of detainees should be conducted throughout the shift. This is in accordance with the ACT Policing: Practical Guide: Persons in Custody – Inspection of Occupants of Cells. The following procedures will be adopted to ensure sufficient inspections of detainees are undertaken (taken from this Practical Guide):

- Watch-house staff will ensure that a person deemed to be at risk, or placed in a padded cell, is checked every fifteen minutes during the first two hours of detention, and thereafter at intervals of no greater than one hour.
- Where an intoxicated person is detained in protective custody, Watch-house staff will conduct half-hourly cell checks and record those checks within the Cell Management system. Where a person is still in custody after four hours, the Watch-house Sergeant will cause a cell management record to be created that will acknowledge existing cell checks and include their observations of the person.
- Watch-house staff will ensure that a person not deemed to be at risk is checked every 30 minutes during the first two hours of detention, and thereafter at intervals of no greater than one hour.
- Electronic surveillance equipment is a monitoring aid and should not be used as a substitute for human interaction which is well documented as an effective intervention in suicidal or self harm behaviour. As such the

monitoring of persons in custody in the periods described above should at all times, where possible, be made in person.

- o Where a person is awake, the check should involve conversation with that person.
- o Where the person is sleeping, Watch-house staff should ensure that they are breathing comfortably, in a safe posture, and not appear to be at risk.

- Persons who are heavily intoxicated, and therefore deemed at risk, should be placed in the coma position and checked at appropriate intervals in order to ensure that they remain in the coma position so as to reduce the risk of choking on their own vomit.
- Where there is any reason for concern about the physical or mental condition of the person, they are intoxicated, appear angry, withdrawn or depressed, close surveillance is to be maintained.

Additionally, as a guide:

- At-Risk detainees (includes heavily intoxicated) or detainees in the padded cells will be checked every 15 minutes for first two hours, then no greater than one hour intervals after that.
- Intoxication Lodgement checks should be done half hourly for the first two hours and then no greater than every hour after that - reviewed by the sergeant at 4-hour mark.
- Detainees considered not to be at risk will be checked every 30 minutes for the first two hours and then no greater than every hour after that.

Custody status checks. At reasonable intervals, during each shift, the Watch-house Sergeant should make a notation on the Cell Management System as to the status of the custody in relation to each detainee. This check is to ensure undue delays in the processing of the detainee are monitored.

Checks are to be done in person by Watch-house staff. If the Watch-house is in the middle of a particularly busy period, then an interim check can be conducted on the monitor until the first opportunity arises to check the detainee in person. Physical checks will be the normal practice not the exception.

> **Remember:** All checks are to be done by watch-house staff who are two-up (i.e. in pairs), particularly if entry into a cell is required.

s37(2)(b), s47E(d)

For intoxicated persons, and at night time when detainees appear to be asleep, detainees should be sufficiently examined to ensure that they are still conscious and lucid.

s37(2)(b), s47E(d)

All cell checks are to be recorded in Cell Management with a note as to whether the check was a physical or CCTV check.

5.9 Non-compliant/violent detainees

Watch-house staff are to be mindful of their responsibilities under Commissioner's Order 3 in relation to any dealings with detainees who are non-compliant and/or violent. Detainees may be intoxicated which can exacerbate their propensity for violence and inability to comprehend instructions. Some basic steps for dealing with such persons taken into custody who are brought to the Watch-house include:

- Communicate with the detainee to ensure that they are provided with information about their being in Police custody, where they are and the processes they will need to undergo (such as being subjected to a search) while at the Watch-house.
- Ensure that there are sufficient staff present to assist whenever a violent/potentially violent detainee is being dealt with, such as being transferred or brought into the Watch-house from the vehicle in the Sally Port.
- Full consideration should be given to a variety of Use of Force options to resolve a potentially violent situation, should communication and negotiation fail to achieve a peaceful resolution.
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- s37(2)(b), s47E(d)

Where any force has been used in relation to a detainee, a Use of Force report is to be submitted in accordance with the requirements of Commissioner's Order 3. A note will also be entered against the detainee's entity in Cell Management briefly outlining the circumstances of the use of force for the information of other Watch-house staff.

At any time if members have taken action that is deemed to have fallen short of that of a Use of Force option but otherwise worthy of being noted, then a note will also be entered against the detainee's entity in Cell Management briefly outlining the circumstances of the incident. s37(2)(b), s47E(d)

5.10 Special Needs detainees

Female detainees

These detainees are treated like any other detainees with the following exceptions that are not negotiable:

- must be searched by a female officer
- if a female officer is not available then the detainee must be searched as soon as one becomes available (detainee asked to remove all property/jewellery and placed into cell)
- is **only** to be placed into cells s37(2)(b), s47E(d)

Juvenile detainees

Juvenile detainees are to be treated like any other detainee with the following exceptions that are not negotiable:

- must only be placed into cells s37(2)(b), s47E(d) before transport to court or Bimberi Detention Centre
- shall not be placed in a cell with an adult.

A job must be placed on PROMIS to organise transport to Bimberi and Bimberi to be called prior to transportation UNLESS the arresting patrol is in a position to convey the juvenile to Bimberi (e.g. quick turnaround for processing such as a breach of bail). In most circumstances, provided it is not busy at the Watch-house, it is expected that the arresting patrol will be able to convey the juvenile to Bimberi.

At-Risk detainees

The ACT Policing: Practical Guide: Persons in Custody describes Persons At-Risk as follows:

A person in custody:

- *who is an Indigenous Australian*
- *who is highly intoxicated*
- *who has shown any inclination of, or is believed by any person, to be capable of harming themselves or another person*
- *with whom there is any cause for concern as to their physical or mental wellbeing*
- *who is suffering from a medical condition*
- *who is incapable of making a rational decision on their need for medical treatment*
- *who is at risk of being harmed by other people in custody due to the circumstances of their incarceration.*

If there is any doubt about the status of a person in custody, they are to be treated as a person at risk.

In regard to a detainee who is deemed at risk through being harmed by other people in custody, these detainees should be segregated from other detainees.

> **To emphasise**, a detainee at risk is defined as a detainee who has or is likely to cause themselves harm, whether through direct or indirect actions, intentionally or unintentionally. If they are not in the process of hurting themselves they are placed into cells 8 or 9. The Watch-house Sergeant will determine if they need to be relocated to a padded cell. Detainees at risk may require

ATSI detainees

Remember: the ACT Policing: Practical Guide: Persons In Custody defines a 'Person at Risk' as including 'a person in custody who is an Indigenous Australian'.

Aboriginal Legal Service (ALS) **must** be informed by fax whenever an ATSI person is brought to the Watch-house. This includes lodgement for intoxication and Breach of the Peace. Additionally, ALS must be notified by phone (24 hours a day, 7 days a week) if an ATSI person is in custody in relation to alleged criminal activity. Refer to the written guides posted around the Watch-house.

Detainees with mental health / welfare issues

Appropriate advice is to be sought from ACT Mental Health, specifically the Crisis Assessment and Treatment (CATT) Team. The ACT CATT can be contacted s47F, s47G(1)(a) For more information refer to **Section 2.15 – Psychiatric incidents / mental health assessments / referrals**.

Detainees with a physical disability

Assistance will need to be provided to detainees with a physical disability where appropriate and the amount/nature of assistance provided is to be decided upon by the Watch-house Sergeant on a case-by-case basis, giving consideration to the nature and level of the person's disability, their welfare needs, the welfare of ACTP and Watch-house staff in providing assistance, and so on.

Detainees with an intellectual disability

Some detainees may present with intellectual disabilities ranging from learning disorders to serious acquired brain injuries. In such cases it may be necessary to make relevant notifications to the ACT Office of the Community Advocate to determine if the detainee is under their guardianship so that they can be involved in any decision making for the detainee.

The ACT Office of the Community Advocate can be contacted on s47F, s47G(1)(a)

Detainees with intellectual disabilities are to be treated in a fair, humane and compassionate manner and practices will be put in place to ensure their dignity and rights are protected. An Interview Friend or family member/friend can be

arranged to attend the Watch-house for any Charge/Bail process to assist and support the detainee.

Detainees with highly infectious diseases/illnesses

Detainees who are in custody at the Watch-house with highly infections illnesses are to be isolated in the first instance away from other detainees and Watch-house staff and medical advice is to be sought from the CFACT doctor in relation to issues of treatment/contagiousness/sterilisation procedures/cleaning of cells etc.

Detainees from a religiously and culturally diverse community

The cultural diversity of Australia embraces many religions. Religiously determined behaviours pose a challenge to operational members who are expected to perform their duties with the sensitivity to the community they serve. One of the stumbling blocks to the delivery of culturally sensitive services is a general lack of knowledge and awareness of different religious behaviours.

Further information regarding the Multi-cultural community can be found at the Multi-cultural Liaison page on the AFPHUB.

5.11 Telephone calls

The Watch-house Sergeant holds the discretion to allow a detainee to come to the charge counter for a phone call. The charge counter lights and audio recorder must be on, the detainee must state their name and who they wish to contact and why. They must provide a phone number that staff are to record, and staff will dial the phone number for the detainee. If the detainee has been arrested for a family violence matter, ensure they are NOT contacting the victim or any person who may be a witness in the matter. This information should be entered as a note on Cell Management against the detainee's entity. ALWAYS ensure that the detainee is not making a phone call to anyone who may be a witness in relation to their apprehension (check with arresting members if necessary).

> **Important note.** Always check the detainee's alerts prior to any phone call being made. This is to ensure the detainee has no alerts/bail conditions /orders in place which would preclude them from contacting or speaking to someone. Failure to do such a check could result in Watch-house staff aiding and abetting a detainee to breach their bail conditions or breach an order and could result in professional standards investigations and/or criminal charges being preferred against an ACT Policing member.

In accordance with Part 1C of the *Crimes Act 1914*, a person is entitled to the right to contact and inform a friend or relative of their whereabouts. Accordingly, legitimate requests for phone calls by detainees will be honoured, where possible and practical. It is the responsibility of the investigating officials to provide these phone calls, not the Watch-house.

If a detainee repeatedly requests phone calls, discretion will be exercised by the Watch-house Sergeant as to whether the phone calls will be permitted. The

Watch-house Sergeant will have due regard to their obligations under Part 1C when exercising their discretion in relation to phone calls by a detainee.

Phone calls made by detainees are only to be made at a practical and safe time, when the charge counter is free from property and there are no immediate charging or processing needs. Detainees who are behaving violently and/or aggressively are not to be given the opportunity to make any phone calls until such time as Watch-house staff are satisfied that their behaviour and demeanour does not place any person at risk of any harm.

Persons lodged into protective custody solely due to their level of intoxication (i.e. they have no criminal charges pending) are not to be given the opportunity to seek legal advice from the Watch-house by telephone at the charge counter. Such detainees are not being charged with a criminal offence and legal advice is unnecessary. However, persons in protective custody should be given an opportunity to contact a responsible friend and/or relative who may be able to attend the ACTWH to collect that person and take them into their own protective custody.

Once a detainee has been lodged at the Watch-house and they immediately request a phone call for legal advice or to notify another person, the detainee can be given into the custody of the investigating patrol so that the detainee can be s37(2)(b), s47E(d) and afforded with such opportunities in compliance with their rights and ACT Policing procedures for taped records of interviews.

Generally, discussions should be held between the arresting/conveying patrol and the Watch-house Sergeant prior to allowing the detainee to make any phone calls. This ensures that the investigation is not compromised or hampered in any way and members may have objections to phone calls being made in accordance with legislated exemptions under Section 23L of the *Crimes Act 1914*.

The details of any phone calls made or the refusal for the detainee to make any requested phone calls is to be noted in Cell Management against the detainee's entry.

Section 6 – Judicial and charge processes

6.1 Apprehensions – adjudication / reviewing

s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

6.2 Bail

Granting Watch-house bail to a detainee

The Watch-house Sergeant is the only person who can decide on whether a detainee is granted bail. Remember, the *Bail Act 1992* states that only a civil standard of proof (balance of probabilities) applies in relation to making decisions about bail.

Consideration of bail for a detainee should involve consultation with the *ACT Bail Act 1992* and the ACT Policing: Practical Guide: Bail. There are a number of sections of the Bail Act which should be given due consideration when

deciding on bail for a detainee, including:

- Presumption for Bail (sections 7, 8, 8A, 9 and 9A)
- No presumption for Bail (Section 9B)
- Presumption against Bail (sections 9C through to 9F, including Domestic Violence offences)
- Special or exceptional circumstances (Section 9G)
- Grant of Bail (sections 22 and 23)
- Bail conditions (sections 24, 25 and 26).

Any decision to refuse bail needs to be noted on the detainee's apprehension (Bail Extension section) and the detainee advised accordingly. The detainee is to be advised of their right to have the decision about the refusal of bail reviewed by another authorised officer (person holding the rank of Sergeant or higher). The detainee is entitled to have the bail refusal review if he/she decides, as well as the opportunity to contact a solicitor of his/her choosing (after-hours duty solicitor may suffice, for example). Any Sergeant not directly involved in the investigation or charging of the detainee can review the refusal of bail. Any review of the bail refusal should be noted on the Bail Extension of the prisoner's apprehension.

> **Note**. 'Special or exceptional circumstances' are just that, and any claims should be carefully scrutinised. Examples cited by the Supreme Court of special or exceptional circumstances include the need to be released on bail to undergo life-saving surgery.

s37(2)(b)

If a person has legitimately raised circumstances that appear special or exceptional **then** consideration must still be given to the criteria in Section 22 of the *Bail Act 1992* in deciding whether or not to grant bail.

Granting bail on PROMIS

s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

Recording of bail on PROMIS

Bail Agreements are sent to the Watch-house via fax or dropped off by Court staff. These need to be updated on PROMIS as soon as they arrive.

s37(2)(b)

It is the responsibility of afternoon shift and night shift staff to enter these onto PROMIS.

s37(2)(b)

s37(2)(b)

Recording breaches of bail on PROMIS

Breaches of bail are normally sent to the Watch-house via fax (i.e. from Corrective Services) and PROMIS s37(2)(b)

s37(2)(b)

s37(2)(b)

Alerts for bail/breaches of bail

Watch-house staff are responsible for updating s37(2)(b) PROMIS for bail conditions and/or breaches of bail based on information received, such as from Court or Corrective Services.

As detailed above, it is the responsibility of Watch-house staff, (specifically afternoon shift) to ensure that all new bail papers provided by the Courts are updated onto PROMIS against the relevant person's entity in the form of an alert. Watch-house staff may be notified of a person's alleged breach of bail by way of a task to the 'ACT-Watch-house-Bail' address. The person's PROMIS entity is then to be updated with relevant details of the bail/breach of bail, including any reference to a Charge Number (for example, CC07/12345) to which the bail conditions/breach of bail pertains.

For some Supreme Court matters, no end date/Court appearance date is provided in bail paperwork forwarded to the Watch-house. In such circumstances, no end date is to be added to the alert (i.e. it will be regarded as 'perpetual') as no Court date has been fixed. In the event that the person subject to such conditions is arrested, clarification may need to be sought and enquiries made to determine whether or not the matters are still outstanding or have been finalised at Supreme Court.

Generally speaking, medical certificates are acted on as a legitimate reason for failing to abide by bail conditions, such as reporting to a Police Station. However, medical certificates need to be provided by the detainee in order to substantiate any excuses for breaching bail due to medical grounds and appropriate enquiries should be conducted to verify the authenticity of any medical certificate provided to Police in relation to excusing a breach of any bail condition.

It is important that any queries or outstanding matters in relation to bail are clarified with the Court as soon as possible. If there is any doubt about a condition of bail or other associated enquiries, then the matter should be clarified with the Court. This may require a note for dayshift to chase up when Court is sitting.

Clearing of bail folders

s37(2)(b)

s37(2)(b)

6.3 Breach of recognisance

When a person who is arrested for a substantive criminal offence appears to have breached conditions of Court imposed recognisance (part of their sentencing for a previous Court matter that resulted in a finding of guilt and conviction being recorded) then the following procedure is to be followed in relation to preparing bench sheets at the Watch-house.

s37(2)(b)

s37(2)(b)

DO NOT TAKE FRESH CHARGE TO COURT AND REGISTER

It is important to have a breach of recognisance added to the file prior to it going to Court, especially where the defendant may enter an early plea of guilty.

6.4 Breach of periodic detention obligations

There may be instances where prisoners remanded at an ACT remand facility, will be found to be in breach of their periodic detention obligations. A breach of periodic detention obligations can encompass a number of different actions by the prisoner, including but not limited to:

- breaching any core condition of periodic detention
- failing to report or reporting late for a detention period
- giving a positive test sample for alcohol or drugs when reporting to perform periodic detention
- not complying with a direction of the Chief Executive (ACT Corrections).

The relevant legislation for these provisions is the *Crimes (Sentence Administration) Act 2005*, Part 5.4 – Supervising Periodic Detention. In relation to the involvement of ACT Policing, and more specifically, the Watch-house, common causes of such breaches include where the prisoner has allegedly committed a substantive criminal offence while remanded in custody, such as being found in possession of an illicit drug while remanded or assaulting another person while remanded.

For any offence that is committed at an ACT Remand Centre which would see a prisoner breach their periodic detention obligations, the prisoner is conveyed by ACT Policing from the relevant Remand Centre to the Watch-house where the appropriate charges will be preferred (provided there is sufficient evidence) and the prisoner is to be held in custody to re-appear before the Magistrate in relation to the fresh charge. This enables the Magistrate to take action in relation to possible re-sentencing if the person is found guilty of breaching their periodic detention obligations.

Statements from ACT Corrections/Remand Centre employees should be obtained by investigating members at the time of the incident and should accompany the prisoner to the Watch-house, to assist in the compilation of the mention brief of evidence.

6.5 Charging in absence

If the demeanour of the detainee poses a threat to the safety of Watch-house staff the detainee can be charged in absence by the Watch-house Sergeant. Appropriate entries documenting the reason for charging in absence should be added to Cell Management or the Notes section of the Apprehension and comments entered into the Charge screen.

There are occasions when, due to time constraints, it would be beneficial to charge a detainee in absence to facilitate the completion of paperwork necessary for Court. By way of practical example, if detainees are still being lodged through Friday night into Saturday morning, then the processes involved in preparing necessary paperwork (such as the Detainee Custody file and mention brief of evidence) in anticipation of having them appear in the Magistrate's Court on Saturday morning, may be expedited by charging certain detainees in absence.

6.6 Charge process

The Watch-house Sergeant will identify the order and manner in which detainees are to be charged and processed. Prior to charging a detainee the Watch-house Sergeant needs to review the Statement of Facts, charges, evidence and supporting documentation and ensure all are in order.

When the Sergeant is satisfied there are sufficient grounds to charge a detainee, i.e. a prima facie standard of proof is established, the Watch-house Constables will be asked to bring the detainee to the charge counter. The detainee will be asked to stand on the yellow line.

The Watch-house Sergeant s37(2)(b), s47E(d) complete the following:

1. identify him/herself
2. advise the detainee that they are being audio and video recorded
3. ask the detainee to state their name and date of birth
4. caution the detainee (before each charge)
5. read each charge aloud
6. ensure that the detainee understands the charge
7. ask the detainee whether they have anything to say in answer to the charge
8. if fingerprints and/or photographs are to be taken (identification material), then they are to be obtained at this time. (Remember, the detainee needs to be charged with a substantive offence – i.e. not solely a Warrant/Breach of Bail. Also, no photographs or fingerprints of a charged juvenile.)

s37(2)(b), s47E(d)

Following all of the above the detainee is to be returned to the yellow line in front of the charge counter and the Watch-house Sergeant s37(2)(b) complete the following:

1. identify him/herself
2. advise the detainee that they are being audio and video recorded
3. ask the detainee to state their name and date of birth
4. discuss with the detainee issues in relation to bail, including a right to obtain legal advice and have a decision about refusal of bail reviewed (refer to the Bail Act 1992 for further information)
5. any other issues are to be discussed at this time (such as detainee medical needs, the provision of a meal for the detainee, etc).

After all of the above has been done the detainee is to be s37(2)(b), s47E(d)

as per the direction of the Watch-house Sergeant.

Charging juveniles (criminal matters)

It is not necessary to have a parent/person with parental responsibility/appropriate adult present when charging a juvenile/young person (person under 18) with a criminal offence.

If a person under 18 is brought into the Watch-house, the Watch-house Sergeant should take all reasonable steps to ensure that the person's parents/guardians/caretakers are notified. In some cases, this may be dependent upon the person providing information about his/her parents or guardian and if this information is not forthcoming (either because the young person chooses not to tell or doesn't know) then reasonable steps should be taken to try and identify the person with parental responsibility for the young person by reviewing PROMIS, the White Pages, the person's mobile phone, etc.

If a Young Person (person under 18) is charged, the person who charged the Young Person (i.e. Watch-house Sergeant, or a person so delegated by the Watch-house Sergeant, such as a Watch-house Constable or a member of the

arresting patrol) must take all reasonable steps to give notice to a person with parental responsibility for the young person about:

- the charge
- the young person's location (e.g. at the Watch-house but to be sent to Bimbiri or to Court or consideration being given to bailing the Young Person)
- the time and place when the young person will be brought before the ACT Children's Court.

This legislation, and ACT Policing guidelines, does not stipulate that a person with parental responsibility needs to be present for the charge process, but this should be an option considered on a case-by-case basis.

If it is anticipated that a young person will be bailed, arrangements should be made to try and have the young person's parents or some other person with parental responsibility to be present at the Watch-house for the charge process and the bail undertaking process. If the young person is 16 or 17, consideration can be given to bailing the young person into their own care and custody provided you can be satisfied for their safety and welfare once they have left the Watch-house.

If no arrangements can be made for an appropriate person to take care and custody of the young person when it is considered appropriate to bail the young person, the underlying factor you must consider is the safety and welfare of the young person. Accordingly, if you feel that the only arrangement you can make to ensure the young person remains safe and is not exposed to any potential harm is to keep the young person remanded in custody and sent to Bimberi, then this may be the course of action that is required to be undertaken.

All attempts to locate a person with parental responsibility to care for the young person and any concerns for the welfare and safety of the young person, indicating any conclusion that Lodgement at Bimberi (or remaining at the Watch-house if approaching Court sitting time in the morning) would ensure the young person remains safe and well, must be documented into Cell Management against the young person's entity. It is also acceptable for a summary of Police enquiries and actions in relation to the young person to be included at the conclusion of the Statement of Facts 3 for the information of Court.

Charge process delayed due to intoxication of detainee

If a detainee is deemed to be intoxicated (drugs and/or alcohol) to the point where they may not be able to fully comprehend and understand all aspects of the charge process, their charging is to be delayed until such time as they are sober.

As a guide, a period of eight (8) hours is used to ensure that any person under the influence of any intoxicating substance has fully recovered and recuperated to an appropriate level of sobriety. Similarly, consideration can be given to having the detainee assessed by the on call Clinical Forensic ACT doctor as to their mental state and ability to understand the charge process.

Eight hours is a guide only and if a person has consumed only a small amount of alcohol, or is deemed to be sober enough to comprehend the charge process, then it need not be stalled or may be stalled for a short period only.

Conversely, the affects of some drugs, such as Methamphetamine, can result in a person being too intoxicated to be charged for prolonged periods of time. In some cases, this period of time has well exceeded 24 hours and so long as attempts are made and recorded on Cell Management) to assess the mental state of the prisoner during this period, there is no problem delaying the charge process for this period. Similarly, if a person misses the Court cut-off (including prisoners brought in Friday night/Saturday morning who are too intoxicated to charge for Court on Saturday morning), concerns have not been raised about delays in getting a person before Court (particularly in relation to S. 17 *Bail Act 1992* (brought before a Court within 48 hours)). Consideration can be given to a medical assessment (on call CFACT doctor) in relation to assessing someone's mental state/welfare, prior to the charge process, particularly with reference to persons who have consumed drugs such as Methamphetamine.

Bedside charging

Circumstances may present where a person in Police custody is being held at a Hospital or other location and is unable to be brought to the ACT Watch-house, before a Watch-house Sergeant, in order to be put through the formal charge process. In such circumstances, the Watch-house Sergeant is able to attend the location of the detainee and go through the usual formal charge process with the detainee (i.e. reading out the indictment(s), cautioning the detainee, asking if they have anything to say, etc).

Bail must also be considered in relation to any person who is being detained and who has undergone a charge process outside of the Watch-house. Normal considerations for the refusal or granting of bail apply. It is important to note that once charged and remanded in custody it is the responsibility of ACT Policing to maintain a guard on the detainee until a Magistrate can be arranged to conduct another bed side hearing. Once that process is facilitated arrangements shall need to be made to have the detainee transferred into the custody of ACT Corrective Services who will then provide a hospital guard.

6.7 Court

In all cases, regardless of which Court the detainee will be sent to, it has been requested that we notify the relevant court of the intention to send a fresh charge to Court that day. This is to facilitate the notification of relevant organisations and persons, i.e. DDP prosecutors and Youth Workers Legal aid etc, to assist them in being in Court as required. This notification is to occur as soon as the intention is formed to send the detainee to Court that day.

ACT Magistrates Court and ACT Children's Court

The ACT Magistrates Court sits from Monday to Friday 9.00 am until 4.30 pm. The ACT Children's Court sits from Monday to Friday 10.00 am until 4.30 pm.Cut off for the Magistrates Court is normally sometime between 3.00 pm and 3.30 pm. Sometime between 12.30 pm and 2.00 pm a staff member from the Magistrates Court may call the Watch-house Sergeant's

phone asking if there are any fresh charges for Court. It takes about twenty minutes to charge and process a detainee (paperwork included) before they are ready to go to Court. Please consider this when advising the Court on who is likely to make attend. At this time, the Watch-house should also be advised of the cut-off time for the Magistrates Court for the day.

Special court sittings

The Magistrates and Children's Court hold special sittings on Saturdays and some public holidays (i.e. Easter Monday). Each week, usually on a Thursday or Friday, the Court will fax and/or email over a contact sheet identifying who the Magistrate is for the sitting. This will also identify the time that the court is sitting (usually 8.00 am or 8.30 am, although some magistrates prefer a later sitting). Magistrates may or may not need to be called at 7.00 am on the day of the special sitting to be advised as to how many are in custody. Instructions on whether or not it is up to the Watch-house or the Court Deputy Registrar to ring the Magistrate should be set out on the contact sheet.

On Saturday mornings, should any issues arise regarding the Court sitting, please contact the on-call registrar.

The Court will not ordinarily hold special sittings for any other purposes. For example, if a lawyer/barrister/solicitor accompanying a prisoner requests an after-hours Court sitting, this request is not to be acted upon. Advice has been previously sought in relation to this matter and as long as a person is brought before Court within a period of 48 hours after being taken into custody for an offence(s), as per Section 17 of the *Bail Act 1992*, there is no need for a special Court sitting.

6.8 Charges laid by Watch-house staff

In the past it has been the practice to add criminal charges relating to matters occurring within the watch-house to the mention brief the offender in custody. In future, should any charges be proffered by Watch-house staff it will be necessary to compile a new file as a fresh charge. This is to alleviate problems where the informant inherits responsibility for a charge that he has no knowledge of and is then required to prepare a brief around that particular charge. When creating a fresh charge do not tick the 'in custody' box and you will be able to commence another apprehension.

6.9 File / brief compilation

s37(2)(b)

s37(2)(b)

s37(2)(b)

6.10 Forensic procedures/court orders (identification material)

The Watch-house may be required to take fingerprints from persons in accordance with Orders that have been made by ACT Courts, such as Forensic Procedures or the taking of fingerprints as part of a sentencing regime imposed by a Magistrate/Judge.

Orders may be made of people who are in custody and they will be brought to the Watch-house by ACT Corrective Services who are required to remain present with the person at all times, including at the Watch-house for fingerprint procedures or in City Station for other forensic procedures (such as photographs) which have been organised by investigating Police.

Orders may be made of people who are not in custody, for example, some fraud offenders are required to present to the Watch-house to provide their fingerprints as a condition of their sentencing. For further information see **Section 9.3 – Taking identification material (legislative considerations)**.

6.11 Juveniles and Bimberi Youth Detention Centre

Generally, it is accepted that the arresting patrol will be able to transport the arrested juvenile to Bimberi unless there are significant delays in processing the apprehension for the juvenile (intoxication, taking of identification material, etc).

If the arresting patrol is not in a position to transport the juvenile, a new task is raised on PROMIS for a patrol to transport the juvenile from the Watch-house to Bimberi.

Prior to the juvenile being transferred from the Watch-house they are to be brought before the Watch-house Sergeant at the charge counter and reminded that they are still in police custody while being transported.

When conveying a juvenile to Bimberi, s37(2)(b)

s37(2)(b)

s37(2)(b)

It is a courtesy to call Bimberi to advise them that a juvenile is en route to them, and advise of the juvenile's demeanour, etc. s47F, s47G(1)(a)

In summary, the following is an overview of the 'official' documentation needed to lodge a juvenile at Bimberi.

- 1 x duplicate Bench Sheet for a substantive charge
- 1 x copy of Original Bail papers for Breach of Bail
- 1 x original warrant for all warrant matters
- 1 x Statement of Facts (PROMIS generated)
- 1 x Prisoner Transfer File (Custody File) containing:
  - blue cover sheet which summarises alerts etc
  - prisoner history sheets
  - 2 x prisoner property sheets (1 to be co-signed by Bimberi intake/admissions officer and returned to Watch-house with the Body receipt).

If PROMIS is down and bench sheets/SOF cannot be prepared

s37(2)(b)

Adult in custody on juvenile matter

Where an adult is in custody for a juvenile matter e.g. a Children's Court First Instance Warrant. They are treated as though they are a juvenile and as such sent to Bimberi if they are remanded in custody.

6.12 Obtaining identification material/livescan

Any adult who is in custody for a substantive offence may have their fingerprints and/or photographs taken. Details of the detainee (name, date of birth, etc) and the corresponding charge numbers, PROMIS Case number, etc are to be recorded s37(2)(b)

s37(2)(b)

Taking photographs

ACT Watch house has the Photo/Trak digital system at the second Watch house counter. All photos will be taken with this equipment by the Watch house Sergeant during the charging process.

Taking fingerprints

Fingerprints are taken from a person using the electronic Integrated Livescan System (Livescan) fingerprint computer.

A detainee that is due to be printed and photographed will have a red '**P**' next to their name on the Watch-house whiteboard. After being charged the detainee is photographed, weighed, height measured and physical characteristics recorded.

s37(2)(b), s47E(d), s37(1)(c)

s37(2)(b), s37(1)(c), s47E(d)

Taking identification material from a juvenile

Due to legislative changes no custody prints or photos can be taken of juvenile offenders under the provisions of Section 230 of the *Crimes Act 1900*.

Identification material taken for substantive offences only

Fingerprints and/or photographs may only be taken from a person who is in custody for an offence. This is in compliance with S.230(3) of the ACT *Crimes Act 1900*. Bear in mind that for ACT ONLY offences, subsection 3(a) states that if the identification material is prints of the person's fingers or photographs of the person, the mere fact that the person is in lawful custody for an offence is sufficient cause to have the prints and/or photograph taken. It does not need to provide evidence of the offence, for example, for them to be taken.

Note. The above provision applies to ACT only offences. If a person is arrested for a Commonwealth offence, the taking of fingerprints and/or a photograph of the person **must** only be done if it is reasonably believed to be necessary in order to either:

- establish who the person is
- identify the person as the person who committed the offence
- provide evidence of or relating to the offence. S3ZJ(3) *Crimes Act 1914* refers.

In summary, fingerprints/photographs can be taken from a person, pursuant to S.230 *Crimes Act 1900* as follows:

- Breach of Bail - **No**, unless the person is in custody for the offence of failing to answer bail, or because the court has subsequently revoked bail and the person is in custody awaiting trial.
- Warrants in the first instance (FIWT) – **Yes** (depending on type of FIWT). See Annexure J.
- Warrant of Commitment (CMWT) – **No**.
- Breach of the Peace
  - **No**, if the person has been arrested on the reasonable apprehension that the person may breach the peace.
  - Yes, if the person has been arrested for the offence of breaching the peace.

Taking fingerprints and/or photographs as a forensic procedure

If a person is arrested on a FIWT for a substantive offence (e.g. aggravated robbery), fingerprints and/or photographs may be obtained from the person PROVIDED a forensic procedures request (by consent or under police order) has been made. Arresting members should give due consideration to including a request for the suspect to consent to fingerprints and/or photographs at the time of arrest (especially if a forensic procedure to obtain a buccal swab is also to be carried out).

After this, fingerprints and/or photos can be taken from a suspect, recording on PROMIS s37(2)(b), s47E(d) that the fingerprints and/or photos are obtained by virtue of the forensic procedure consent/Police Order.

> To ensure legislative compliance with the *Crimes (Forensic Procedures) Act 2000*, this process is to be discussed in detail with the Watch-house Sergeant on duty before consideration is given to exercising these powers.

This procedure is complex and requires full comprehension of the legislative requirements of the *Crimes (Forensic Procedures) Act 2000*. The procedure of taking of photographs, for example, needs to be recorded on audio and video and therefore cannot be taken in the Watch-house. There is an exemption that allows fingerprints to be taken without the procedure being audio and video recorded.

Any force used, even when provided for in any legislation, to obtain identification material should be reported in accordance with CO3.

Elimination fingerprints

Members of the public (victims or witnesses in criminal matters, for example) may attend the Watch-house to provide elimination/exclusion fingerprints. These can be undertaken at the Watch-house using Livescan, at the discretion of the Watch-house Sergeant (e.g. the Sergeant can determine the appropriate time when this request can be carried out based on how busy it presently is at the Watch-house). It may be necessary for Watch-house staff to take fingerprints from the victim/witness as they should be experienced in using the Livescan system.

The requesting officer should obtain a short written statement from the victim/witness, complying with Section 230(10) *Crimes Act 1900*, stating:

- the victim/witness understands they are not a suspect
- they understand that taking fingerprints is for elimination purposes only
- they are over 18
- they consent to providing the fingerprints
- they understand they can withdraw their consent at any time.

Ensure the attending police officer and victim/witness remains at the Watch-house until the Livescan printout has been produced so that it can be appropriately signed off with relevant offence and personal details of the victim/witness.

6.13 Orders

The Service and Process Team (part of Judicial Operations) are responsible for serving Orders (such as Domestic Violence Orders) on detainees who have been identified as respondents of such orders and whom have not yet been served. Attempts can be made to contact the Service and Process Team to make arrangements to have the Order served on the person while they are in custody, prior to them being bailed or going to Court. If arrangements can not be made, personal contact details of the detainee are to be recorded and

forwarded onto the Service and Process Team to allow them to follow up on the serving of any Orders.

For any breach of a Court Order, there is a presumption against bail and advice provided by the Chief Magistrate is that for any such alleged breach, the person is to be put before the Court to have the matter dealt with in Court (i.e. pro arrest and presumption against bail rather than being bailed from Police custody).

s37(2)(b)

6.14 Time limits/investigation periods, including extensions

Investigation time is the time a person is allowed to be detained for the purpose of investigating:

- whether the person committed the offence
- whether the person committed another offence reasonably suspected of being committed.

Section 23C of the *Crimes Act 1914* (Commonwealth) discusses investigation times and restrictions for non-terrorism offences ('Period of arrest if arrested for non-terrorism offence'). Section 23CA of the *Crimes Act 1914* (Commonwealth) discusses investigation times and restrictions for terrorism offences ('Period of arrest if arrested for terrorism offence').

Section 23C(7) discusses times to be disregarded in any investigation period for a non-terrorism offence ('downtime'). Section 23CA(8) discusses times to be disregarded in any investigation period for a non-terrorism offence ('downtime').

Section 23D discusses 'Extension of investigation period if arrested for non-terrorism offence'. Section 23DA discusses 'Extension of investigation period if arrested for terrorism offence'.

The **investigation time** starts from the time that the person is arrested and ends after:

- Aboriginal or Torres Strait Islander – two hours
- Juvenile – two hours
- Adult – four hours.

Downtime

Reasons for exclusion of investigation time include but are not limited to:

- conveyance from place of arrest to tape recording facilities
- talk to lawyer, friend or family
- travel time for lawyer, friend or family
- medication attention and treatment

- intoxication
- ID parade
- enquiries to determine if person is under 18 years old.

Applying for an extension of investigation time

Should there be a need to seek an extension of investigation time after hours the investigating officer will need to contact the on-call s37(2)(b), s47E(d)

The prisoner should be present at the charge counter when the call is made as invariably the Magistrate will want to speak to the prisoner.

s37(2)(b)

6.15 Warrants – miscellaneous issues

The following information is designed to assist staff working at the Watch-house where specific issues pertaining to warrants may be encountered.

Interstate warrants (*Service and Execution of Process Act 1992* – Commonwealth)

If a person has an outstanding warrant issued in a State/Territory outside of the ACT and that warrant is not registered in the ACT, the person can be arrested and held in custody by ACT Policing if extradition is confirmed by the Police force which obtained the warrant. If extradition is not being sought or can not reasonably be determined, then the person is entitled to be released from custody forthwith, without any conditions of release (assuming there are no other matters to consider which would preclude the person from being released from Police custody).

If extradition is being sought, then a charge on PROMIS under Section 82(1) of the *Service and Execution of Process Act 1992* is to be added to the Apprehension. The indictment of the charge will need to be manually entered (i.e. it is a free-text indictment) by the Watch-house Sergeant using wording similar in format to the details of the warrant:

> THAT ON 17 APRIL 2007, THE PARRAMATTA LOCAL COURT, IN THE STATE OF NEW SOUTH WALES, ISSUED AN ARREST WARRANT IN THE NAME OF xxx FOR THE OFFENCES OF AGGRAVATED BREAK, ENTER AND COMMIT SERIOUS INDICTABLE OFFENCE, ROBBERY IN COMPANY, MALICIOUSLY DESTROY/DAMAGE PROPERTY, TAKE/DETAIN PERSON IN COMPANY WITH INTENT TO OBTAIN ADVANTAGE, AND UNLICENCED DRIVING, THE OFFFENCES HAVING OCCURED ON 17 OCTOBER 2006 AND 18 OCTOBER 2006.

Investigating/arresting Police need to ensure that as a matter of priority, they obtain a copy of the issued warrant. They need not obtain the original warrant, nor produce an original warrant to Court, but a copy **MUST** be obtained and

provided to Court. If the interstate warrant is registered in the ACT then it will take the form of a First Instance Warrant and it is to be actioned accordingly.

If a person is to be extradited from interstate to the ACT, a warrant under Section 83(8)B of the *Service and Execution of Process Act 1992* is issued and this is the charge that is to be added to the ACT Apprehension of the detainee in relation to that extradition.

If a Magistrate determines that a person apprehended in the ACT on an interstate warrant provision is to be bailed from custody in the ACT, subject to an agreement to re-attend the ACT Court or return to the Court where the warrant was issued of their own volition, and that person fails to appear, then a warrant in accordance with Section 84 of the *Service and Execution of Process Act 1992* is issued and this charge is to be used in the ACT Apprehension of such a person detained in the ACT.

Interstate offence(s) but no warrant issued

If ACT Policing are advised by a relevant State or Territory Police force that a person is being sought in the ACT for committing a criminal offence outside of the ACT, but no warrant has yet been issued, then the person can be detained and held in ACTP custody. An ACT Apprehension is to be created and a charge under Section 217 of the *Crimes Act 1900* is to be used. Bench sheets are to be printed and the DPP, custody file and Court documents are to be prepared as usual, with the bench sheets included.

Table 3 Summary of *Service and Execution Process Act 1992*

Service and Execution of Process Act 1992	
Section	
Section 82(1)	Interstate warrant that is not yet registered in the ACT.
Section 83(8)B	Extradited from interstate to ACT by ACTP members and conveyed to the Watch House prior to attending ACT Court.
Section 84	Warrant issued at the request of the Magistrate to re-apprehend a person who was bailed to re-appear in Court after previously being apprehended in accordance with a provision of this Act.
Section 113	ACT Apprehension Warrant.

Note. A person taken into custody in accordance with a provision of the *Service and Execution of Process Act 1992* is not automatically remanded in custody. Members must ensure that advice is obtained from the initiating jurisdiction as to whether bail should be opposed, the grounds upon which the opposition is based and all relevant information.

Crimes (Sentence Administration) Act 2005 warrant (Section 82(3))

Warrants issued in accordance with the *Crimes (Sentence Administration) Act 2005* generally relate to the revocation of a person's parole. These warrants are treated in a similar fashion to a Commitment Warrant in that no DPP file is prepared (only a custody file is prepared containing the original, executed, warrant) and the person is solely being held at the Watch-house prior to arrangements being made for them to be returned to custody to serve out the remaining term of imprisonment from their original sentencing.

First Instance warrants – Failures to Appear

Remember that failing to appear in Court after entering an undertaking (whether it be at the Watch-house or at Court) is a substantive offence with the offence date in the charge (indictment) being the date when the person failed to appear in Court. Accordingly, the bench sheets for the Fail To Appear offence need to be provided to Court and DPP.

Search warrants – detainee escorted from Watch-house with arresting members

There may be occasions when members request that an apprehended person in custody at the Watch-house be released into their custody from the Watch-house for the purpose of attending premises where a search warrant is being executed. For example, a detainee may be taken to his/her premises while a search warrant is being executed by members, out of fairness to the detainee as the lawful occupier of the premises and for evidential purposes.

This is acceptable as long as the investigating members, and the detainee, are aware that the detainee is in, and will remain in, Police custody until such time as they are returned to the Watch-house and that relevant safety/custody procedures will need to be followed, such as the need for the detainee to wear handcuffs (if appropriate) or be re-searched prior to returning to the Watch-house. Investigating members should also be reminded of the need to have the investigation period (in respect to the time period in which the detainee has been in lawful custody) extended so that any evidence obtained during the search warrant as a result of actions by the detainee (such as admissions/ denials) is lawfully obtained.

Showing detainees warrants

If a person has been arrested in relation to an outstanding First Instance warrant and at the time of arrest and Lodgement at the Watch-house the detainee is too intoxicated to be shown the warrant and comprehend/ acknowledge the details of the warrant, then it is acceptable for the person to be shown the warrant at a time when they are sober (such as during the charge process). Regardless of this, the warrant is still deemed to be executed by the arresting member at the time of arrest and the original warrant (and any copies provided to Court) still needs to be endorsed to this effect and signed by the arresting member.

Original warrants to remain at Watch-house

Once an original warrant has been provided to Watch-house staff it is to remain at the Watch-house (preferably in the custody file, once executed) and

will not be handed to, or shown in the vicinity of, a detainee. The warrant is not to be removed from the Watch-house by the arresting patrol/investigating members for any purpose. If need be, a copy of the warrant is to be utilised in place of the original.

s37(2)(b)

Section 7 – Facilities management

7.1 Overview

In the first instance, for all queries or outstanding issues in relation to assets or equipment at the Watch-house, please contact:

s47E(d)

For general queries in relation to facilities management, such as a building fault, ACT Property and General Services are to be contacted during business hours. For after hours emergencies (such as a plumbing emergency), contact the s47F, s47G(1)(a) advising that the fault is at the AFP City Watch-house, Canberra and detailing the nature and urgency of the fault.

Any such issues are to be written into the Watch-house diary for necessary information or follow-up action by subsequent Watch-house shifts/OIC Judicial Operations.

Refer to '**Section 1 – General Information – Administration – Equipment**' for information on the storage location for certain equipment items in the Watch-house.

7.2 Cell locks

If a cell lock malfunctions resulting in a prisoner being locked in their cell, the following procedures are to be followed:

s37(1)(c), s37(2)(b), s47E(d)

7.3 Cell mattresses

Mattresses are to be routinely examined to ensure that they are not damaged or soiled. If a mattress is found to be soiled, the mattress can be removed from the cell and arrangements made for it to be cleaned by the Watch-house cleaners when they next attend.

If a mattress is irreparably damaged, new mattresses can be ordered from s47F, s47G(1)(a) Normally new mattresses are paid for on receipt of an invoice. Makin Mattresses can also facilitate the removal of old and damaged mattresses for a small fee per mattress.

7.4 Cleaning services

There are a number of Emergency Spill Kits in the Watch-house for staff to use in an emergency to clean areas of the Watch-house. These kits contain instructions for use and are only to be used where relatively small areas of the Watch-house need to be cleaned immediately. Furthermore, mops, buckets and additional cleaning materials are located in the s37(2)(b), s47E(d)

Where a cell or area of the Watch-house requires extensive cleaning, the area can be cordoned off from use until such time as the cleaners arrive. Staff should be mindful that on some occasions, specialised cleaning services may be required to clean particular areas of the Watch-house. s37(2)(b), s47E(d)

7.5 Contaminated waste containers/disposal bins

In s37(2)(b), s47E(d) there are a number of contaminated waste containers and disposal bins. Some of these are small enough for a person to carry and these can be carried to areas of the Watch-house if required.

For larger items that have been contaminated, such as bloodied blankets or towels with vomit, these items can be placed directly into the large contaminated waste bin (hopper) in s37(2)(b), s47E(d) for disposal.

For emptying/replacing of these bins, contact the City Station Administration Officer.

7.6 Fire hoses/fire extinguishers

s37(2)(b), s47E(d)

The ACT Fire Brigade will conduct periodic examinations of this equipment to ensure they are operational.

Training for members in the use of fire fighting equipment is undertaken during induction training.

7.7 Sharps / needles containers

s37(2)(b), s47E(d)

7.8 Watch-house keys and handcuffs

s37(2)(b), s47E(d)

7.9 Watch-house staff equipment

Rubber gloves are kept in the work area of the Watch-house for use by Watch-house staff or any other persons attending the Watch-house, including Corrective Services members, visiting doctors, attending ACT Policing members or ACT Ambulance Service paramedics.

Watch-house staff are to obtain a set of riggers gloves and are responsible for maintaining that set of gloves until such time as they are deemed no longer fit for use, for example, due to contamination. A supply of riggers gloves is kept at the Watch-house for new Watch-house staff and in case attending members are required to assist in duties at the Watch-house which would necessitate their use. Do not leave contaminated gloves sitting on work benches – dispose of them appropriately.

White disposable overalls are available for use by Watch-house staff and these are located s37(2)(b), s47E(d) . These are the same overalls given to detainees who do not have sufficient clothing (such as those who have had their clothing seized).

7.10 Riot gear

Incidents requiring the deployment of specialist equipment such as riot gear will be immediately reported to Police Operations. In the event of riot disturbance, or high risk entry or response to an ACTWH incident, then SRS will be tasked to respond.

7.11 Cell maintenance checks

(Also refer day shift specific duties). Cell facilities, including mattresses, bubblers, toilet, intercom and CCTVS should be checked daily to ensure that they are working and in good order. A record will be kept of these daily checks and will be inspected and signed by the Watch-house Sergeant.

Section 8 – Watch-house Sergeant duties

8.1 Occupational Health and Safety workplace reporting requirements

Work related illness or injuries; exposure to hazardous substances; experience of a dangerous occurrence or near miss all require notification to ACTP OH&S via a Workplace Incident Report Form (WIRF). This includes any incident that occurs in the AFP Workplace or due to an undertaking of the AFP (e.g. an arrest, pursuit, etc).

WIRFs can be emailed or faxed (there are time constraints, so do not send through internal mail).

Notifiable incidents

Comcare Australia must be notified in the event of a:

- Death, of any person, within 2 hours of the incident occurring;
- Serious personal injury (requires any medical treatment by a doctor or hospital treatment), within 24 hours of the incident occurring; and
- Incapacity > 30 days/shifts lost time (employee unable to work for 30 or more successive shifts), within 24 hours or being made aware of this.

This relates not only to AFP employees, but to prisoners or members of the public who are affected as a result of police actions.

ACT Policing OH&S Advisor should be notified immediately of any incident to assist with legislated notification processes and ensuring that all procedures are completed within required timeframes.

For full information, refer to the following documents on the AFP HUB:

Occupational Health and Safety Legislation Information Kit

AFP National Guideline on Health and Safety

AFP National Guideline on First Aid in the Workplace

For further information, please contact the ACT Policing Occupational Health and Safety Team.

8.2 Professional standards and duty superintendent notifications

If an AFP employee is arrested, the following notifications are to be made. Notifications should be made by the Watch-house Sergeant and at a time when all information relating to the apprehension/circumstances of the incident are adequately known to convey relevant information:

s37(2)(b)

s37(2)(b)

8.3 Use of Force reports (vetting / distribution)

At all times members will comply with the AFP Commissioner's Order on Use of Force (CO3) in relation to the use of force and its associated reporting.

The following reporting sequence is to be adhered to when preparing Use of Force reports.

1.

2.

3.

s37(2)(b)

4.

Section 9 – Watch-house Constable duties

9.1 General shift duties

ALL SHIFTS

Detainee whiteboard familiarisation

At the commencement of the shift each constable is responsible for ensuring they know how many detainees are in the Watch-house, where they are located, what they are in the Watch-house for, whether they have s37(2)(b) against their name and any other issues that are relevant to ensuring the appropriate care for the detainee. The Watch-house staff being relieved (concluding their shift) should brief their replacement on each detainee's demeanour, requirements and any other relevant matters prior to leaving the Watch-house.

Note. This is important to know at the start of every shift as no piece of information is irrelevant.

Monitoring detainees

After charging or transferring detainees between cells:

1. s37(2)(b)
2.
3. Move the detainee details on the whiteboard to ensure they are recorded against the correct cell and all necessary information about the detainee is updated and recorded.

All detainees when placed in cells are to be regularly checked by way of physical checks in person and on the CCTV system, and details of such checks are to be recorded s37(2)(b) . As a guide a detainee should be checked at 30 minute intervals for the first two hours and then at intervals of no greater than one hour unless they are 'At-risk', in which case it should be no longer than every 15 minutes for the first 2 and then at intervals of no greater than one hour.

Intoxication lodgements should be done at 30 min intervals for the first two hours and then every hour after that, with a review by the Watch-house Sergeant at the four hour mark

If in doubt about a detainee's welfare a manual check at the cell is required.

Watch-house staff should not rely on the CCTV system solely for checks. Physical checks are the preference, particularly if detainees appear asleep or are not actively moving in their cells.

s37(2)(b)

s37(2)(b)

As a general rule when checking on a female or juvenile detainee, male Watch-house members should not be alone (i.e. two male members should stay together to conduct such checks). Further, if there is a need to enter the cell to check a prisoner it **must** be done in pairs and must be recorded s37(2)(b) as either a check or a note.

Arresting / investigating police wishing to speak to a detainee in the Watch-house

Any members of ACT Policing who wish to speak to a detainee at the Watch-house, whether in a holding cell, at the charge counter, or elsewhere, will be escorted by a member of the Watch-house staff. Such requests should always be cleared by the Watch-house Sergeant first.

Such circumstances are varied and may include members providing information to detainees, members requesting detainees to sign Property Seizure Records, detainees being spoken to about criminal matters, members attempting to gain intelligence from detainees, etc.

Arresting police wishing to interview detainee

Should an arresting officer wish to interview a detainee then a member of Watch-house staff must accompany the arresting officer to the holding cell. The detainee is to be brought to the charge counter where the charge light and s37(2)(b) The detainee is then:

1. Asked to state their name and date of birth.
2. Reminded that they are still in and will remain in police custody for the duration their dealings with the police.
3. Instructed why they are going with the arresting officer.
4. Advised that they will then be returned to the Watch-house.
5. They are then told to go with the officer.

Showing a detainee a copy of a warrant or property seizure record

Should a detainee be in custody for a warrant and the arresting member wishes to show the warrant to the detainee then a member of Watch-house staff must accompany the arresting officer to the holding cell. Arresting members should only take a copy of the warrant (i.e. not the original) to be shown to the detainee. Property seizure records-as above. No Paperwork will be left with the detainees. It will be placed in their respective property for collection on release from Watch-house.

9.2 Shift-specific duties

Day shift duties

Check and order meals and linen

Day shift staff are responsible for checking the stocks of meals and linen and re-ordering as required. Meal orders must be faxed daily before 10:30am. Linen re-ordering is done every Tuesday and the delivery is made to the Watch-house s37(2)(b), s47E(d) There is a folder entitled: Meals/Linen. All necessary order forms for Meals and Linen are contained in this folder and, once the forms have been completed and faxed, the completed forms are to be returned to the folder. The folder also contains previous orders which will give Watch-house staff an idea of what quantities of meals/linen should be ordered.

Staff are to ensure that sufficient supplies of food are maintained. Food that is to be ordered if required includes:

- frozen meals for dinners
- sandwiches for lunches (or other meals)
- milk for tea/coffee
- single-serve sugar, coffee and tea sachets
- utensils, including plastic knives, forks and spoons
- styrofoam drinking cups for hot and cold beverages
- bread (white and wholemeal) for toast
- condiments for toast (including single serve tabs of butter, margarine, assorted jams, peanut butter and vegemite)
- fruit juice.

Refer to **Section 5 – Detainee Care – Meals** for information on preparing and serving meals for detainees.

Clean/dirty linen arrangements

Linen that is ordered on a Tuesday will arrive sometime on s37(2)(b), s47E(d) Linen orders consist of:

- blankets for detainees
- towels for detainees
- dishwashing towels for Watch-house staff
- empty linen bags in which dirty blankets, towels and dishwashing towels can be placed.

Linen bags that are full are to be placed onto one of the two wheeled metal cabinets located s37(2)(b), s47E(d)

When clean linen arrives, the dirty linen will need to be moved into s37(2)(b), s47E(d) so that it can be removed from the Watch-house in exchange for the clean linen. The clean linen is then to be placed in the relevant storage areas s37(2)(b), s47E(d) (towels and blankets only) and in the linen storage room adjacent to the kitchenette used to prepare detainee meals (towels, blankets, dishwashing towels and linen bags).

Tear-proof smocks and blankets

These items should not be mixed with other laundry. s47F, s47G(1)(a) will not launder them and they will dispose of them if sent with other linen.

Laundering of tear-proof items is arranged by calling s47F, s47G(1)(a) They will attend, collect and return

laundered items. The will also supply an invoice which should be given to OIC Judicial Operations for processing.

The manufacturer and supplier is the s47F, s47G(1)(a)

Waking and feeding detainees

At the commencement of the day shift detainees should be woken and provided with access to the showers. Their breakfast should then be prepared and provided to them so that there is sufficient time for them to shower and have breakfast prior to Corrective Services attending the Watch-house. .

Depending on the number of detainees in custody Corrective Services will attend the s37(2)(b), s47E(d) They will sort, check and bag the property of all detainees attending Court prior to collecting the detainees to convey to Court.

Any persons in custody for substantive offences who are expected to be in custody throughout the morning or lunch period prior to going to Court or receiving bail should be offered a sandwich and a coffee/tea/juice.

Detainees to Corrections' Officers (Court Transport Unit)

Once property has been bagged and secured Corrective Services will ask for the detainees to be escorted to the charge counter. s37(2)(b)

> **Note.** Consideration is to be given to escorting any detainees separately who are or have been behaving violently by themselves.

Detainees of different sexes and adults and juveniles are never to be escorted together to, or meet in, the charge counter area.

s37(2)(b)

s37(2)(b)

Corrections staff have a legislated power to conduct a strip search of any detainee in their custody.

If the detainees are at the Watch-house for matters before the Supreme Court, such as a breach of Supreme Court Bail, then DPP will need to be notified. DPP

will then arrange for a prosecutor. Corrective Services will attend and transport the detainee.

Cell maintenance checks

Cell facilities, including mattresses, bubblers, toilet, intercom and CCTVS should be checked daily to ensure that they are working and in good order. A record will be kept of these daily checks and will be inspected and signed by the Watch-house Sergeant.

Afternoon shift duties

Dinner

Any persons in custody for substantive offences who are expected to be in custody throughout the evening or overnight should be offered a hot meal, or a sandwich and a cup of tea or coffee. Hot meals can be found in the freezer in the rear Watch-house kitchen s37(2)(b), s47E(d) . Instructions on how to prepare the meals are listed in the kitchen on the freezer door.

Bail sheets

Each weekday Magistrate Court staff will deliver bail agreements to the City Police Station Front Office. It is the responsibility of the afternoon shift to ensure the bail sheets are collected and entered into PROMIS.

Locking down of detainees

Watch-house staff need to lock the detainees down for the night s37(2)(b), s47E(d) . The television is to be switched off and every detainee is to be locked in his/her appropriate cell. The time at which this is to occur is at the discretion of the Watch-house Sergeant, but is normally about 10.30pm.

Night shift duties

Updating bail papers

Night shift staff are to go through bail papers on a very regular basis (i.e. several times weekly) to remove any expired bail papers and inform day-shift of any bail-related queries that need to be chased up with Court.

Detainee criminal record history

Night shift staff must ensure all detainee criminal history requests are ordered by sending an email to AFP Criminal Records s37(2)(b)

9.3 Taking identification material (legislative considerations)

Watch-house Constables are responsible for taking identification material, namely photographs and fingerprints, from detainees in accordance with legislated provisions, such as those under the *Crimes Act 1900* and the *Crimes Act 1914*.

ACT *Crimes Act 1900* v Commonwealth *Crimes Act 1914* – 'taking identification material' (summarised)

In accordance with the *Crimes Act 1900* Section 230(3) identification material can be taken from a person who is in lawful custody in respect of an offence if any one or more of the following apply:

- The identification material consists of prints of the person's fingers or photographs of the person.
- The person consents in writing.
- The police officer believes on reasonable grounds that it is necessary to do so to—
    - establish who the person is; or
    - identify the person as the person who committed the offence; or
    - provide evidence of, or relating to, the offence.
- The police officer suspects on reasonable grounds that the person has committed another offence and the identification material is to be taken for the purpose of identifying the person as the person who committed the other offence or of providing evidence of, or relating to, the other offence.

Remember: no identification material for persons under 18 years old.

In accordance with the *Crimes Act 1914* Section 3ZJ(3), identification material can be taken from a person who is in lawful custody in respect of an offence if either:

- The person consents in writing.
- The constable believes on reasonable grounds that it is necessary to do so to:
    - establish who the person is; or
    - identify the person as the person who committed the offence; or
    - provide evidence of, or relating to, the offence.
- The constable suspects on reasonable grounds that the person has committed another offence and the identification material is to be taken for the purpose of identifying the person as the person who committed the other offence or of providing evidence of, or relating to, the other offence.

The primary difference between the two provisions is that identification material taken solely in accordance with the *Crimes Act 1914* (Cwth)—as it would pertain to a person arrested solely for Commonwealth offences—is that the taking of identification material must go some way toward establishing the identity of the detainee or providing evidence relating to the offence. The *Crimes Act 1900* allows for a person to be solely in lawful custody in respect of an offence to justify identification material to be taken.

These Acts also state that 'A Constable may use such force as is necessary and reasonable in the circumstances to take identification material from a person under this section'. Although there is no offence under either of these Acts in relation to a detainee preventing identification material being taken, a charge of 'Obstruction of a Commonwealth Public Official in accordance with the *Criminal Code Act 1995* (Commonwealth) Section 149.1 (for

obstructing/resisting/hindering police) would be appropriate for any detainee who, by their actions, prevents identification material from being removed from them.

Refer to **Section 6 – Judicial and charge processes – Obtaining identification material/Livescan** for information pertaining to the actual processes involved in taking fingerprints and photographs from a detainee.

Fingerprints as a forensic sample - forensic procedures

Watch-house staff may be required to take fingerprints in accordance with the provisions of the *Crimes (Forensic Procedures) Act 2000*. This act allows for fingerprints to be taken from a person in lawful custody as a forensic sample providing the person has consented to such a procedure, or the person has been compelled to provide his/her fingerprints by way of a Police or Magistrate's Order. Section 59(1) of the *Crimes (Forensic Procedures) Act 2000* provides an exemption that the taking of a fingerprint, handprint, footprint or toe print) does not need to be audio and video recorded if not reasonably practicable to do so, consequently, the procedure of taking fingerprints, can be undertaken at the Watch-house.

Watch-house staff should be aware that photographs are not to be taken of detainees inside the Watch-house or by Watch-house staff, in accordance with the *Crimes (Forensic Procedures) Act 2000* as the procedure of taking photographs must be audio and video recorded. Section 55 of the *Crimes (Forensic Procedures) Act 2000* provides for the power for Watch-house staff to assist in carrying out the forensic procedure (taking of fingerprints) if so requested of the detainee by investigating police.

Section 55(3) of the Crimes (Forensic Procedures) Act 2000 enables Police to use 'reasonable force to enable the forensic procedure to be carried out'. Watch-house staff should also be aware that it is an offence for a detainee to prevent the carrying out of a forensic procedure (taking of fingerprints) by intentionally obstructing, hindering or resisting a Police officer who is exercising his/her functions relating to the carrying out of a forensic procedure (Section 63 of the *Crimes (Forensic Procedures) Act 2000*, punishable by 200 penalty units, imprisonment for 2 years or both).

s37(2)(b)

Court Order to provide fingerprints

Occasionally a person may be ordered by the Court to attend the City Police Station to provide their fingerprints. This may be in accordance with a Magistrate's Court Order, pursuant to the *Crimes (Forensic Procedures) Act 2000* or as a condition of a convicted person's sentence, often for matters pertaining to theft or fraudulent conduct.

Details of the taking of fingerprints are to be entered s37(2)(b)

s37(2)(b)

There is no legislated provision allowing watch-house staff to compel or use reasonable force on a person so ordered under a court order as part of a condition of their sentencing to provide their fingerprints**.** In the case of such a person actively resisting the taking of their fingerprints they are to be advised that the Courts will be advised of their lack of cooperation and they will be directed to leave the Watch-house. A letter will be provided to DPP and the Courts outlining the circumstances of the incident as a matter of priority.

9.4 Criminal history checks

At all times when a person is brought into custody at the Watch-house for any matter that will require them to attend Court, their criminal history is to be obtained

s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

9.5 Updating whiteboard

The Watch-house whiteboard is to be kept up-to-date at all times. This is one of the primary responsibilities of Watch-house constables and is crucial to the proper functioning of the Watch-house.

The whiteboard is at all times to reflect any detainee transfers, welfare issues, charge status, demeanour, medical status, etc.

Refer to **Section 5.8 – Detainee Care – Monitoring of detainees including by whiteboard** for further information.

9.6 Summons Court dates

Informants may request a summons date for the ACT Magistrate's or ACT Children's Court by phone. The folders containing the Court dates are held on the shelf at the s37(2)(b) . A date is to be allocated and recorded on the appropriate page with details of the person who is subject to the summons. It is recommended that a minimum of six weeks is allowed when allocating a Summons Court date.

Each page has a quota which is not to be exceeded. This procedure is undertaken to ensure consistency in workload for the Courts for Summons matters. For matters requiring a quick turn around summons, a period shorter than six weeks can be provided to the informant, at their request, as long as they have sufficient time to organise the swearing of the summons prior to it being served.

Be mindful of dates where limited Court sittings will take place, i.e. public holidays and Christmas.

Table 4. Summons Court dates (*no court sittings on Public Holidays*)

	Monday	**Tuesday**	**Wednesday**	**Thursday**	**Friday**
Adults					
Criminal matters	✓	✓		✓	✓
PCA matters		✓	✓	✓	
Juveniles	✓				✓

Section 10 – Miscellaneous arrest and detention procedures

10.1 Preventative detention orders – *Terrorism (Extraordinary Temporary Powers) Act 2006*

The provisions of this Act allow for a person to be detained under a preventative detention order (PDO) at a correctional centre. s37(2)(b), s47E(d)

Refer to the '*Detention Arrangement between ACT Corrective Services and ACT Policing in relation to Detention Under PDOs*' and the '*Memorandum of Understanding between ACT Policing and ACT Corrective Services relating to the Detention of Individuals in accordance with the Terrorism (Extraordinary Powers) Act 2006'*.

s37(2)(b), s47E(d)

10.2 Non-ACT Policing arrests (AFP National / AFP Aviation / AFP Airport Uniform Policing / PS)

Members of AFP National, including AFP National Aviation Uniform Policing (ACT Airport), as well as AFP Protective Services (in collaboration with Aviation Uniform Policing (ACT Airport) members), are able to arrest persons for committing substantive offences, as well as taking persons into custody in relation to intoxication at relevant locations (such as the ACT Airport). Circumstances of arrest can range from the execution of (Commonwealth) Search Warrants to other Commonwealth provisions of arrest in the performance of Canberra-based duties undertaken by members from areas of AFP National.

ACT Policing Operations should be notified of such arrests s37(2)(b) so that the Watch-house can be notified.

s37(2)(b)

The Statement of Facts 3 is to cover all relevant information as per any other arrest matter and should be adjudicated upon as normal. For criminal matters they are still to proceed through to Court as per usual (regardless of Commonwealth or ACT offences) and the usual considerations still apply (e.g. bail, evidential requirements, etc).

10.3 Non-AFP arrests

Some external agencies, such as the Department of Environment and Heritage (DEH), have legislated powers of arrest for criminal offences which, if acted upon, would require an arrested person to be processed through and held in custody at the Watch-house until such time as they could be brought before Court.

In summary, the following procedures are to be implemented if a person is arrested by another agency and brought to the Watch-house:

s37(2)(b)

The after-hours on-call contact number for Commonwealth DPP - ACT Prosecutions s47F, s47G(1)(a)

Unlawful non-citizens taken into custody

The Department of Immigration and Citizenship (DIAC) have the power to detain any person suspected of being an Unlawful Non Citizen (UNC) and bring

them to the Watch-house for short-term detention until arrangements can be made for them to be conveyed to an appropriate processing/deportation facility interstate.

There is no requirement for DIAC officers to provide a Statement Of Facts or other information s37(2)(b)

DIAC staff should provide written information to the Watch-house in relation to keeping the UNC in custody at the Watch-house in accordance with their powers of detention.

s37(2)(b) there is a 'Notice to Persons in Immigration Detention' guide which may be useful as a resource to refer to. It will also be necessary to discuss any relevant issues for detained UNCs with DIAC staff, such as medical needs, etc.

Civil Detention under the *Defence Force Discipline Act 1982*

Where:

- a person has been arrested under this Act and is in the custody of a member of the Defence Force; and
- a commanding officer or the senior member of the escort of the arrested person certifies, in writing, that it is necessary for the arrested person to be detained in a place of detention and that no suitable place of detention controlled by the Defence Force is reasonably available for the purpose;

a constable may detain the arrested person in a civil detention facility for a period not exceeding seven days.

Where a person is detained under this Act, the same procedures are to be followed as for a person detained by DIAC.

It should be noted that the ADF no longer has a detention facility in the ACT and this provision may be used for ADF personnel who have been convicted and sentenced to a military prison.

An order will be supplied with the arresting personnel in the above terms.

Section 11 – Closed circuit television system

11.1 Background

The ACT Policing ACTWH has a closed circuit television system (CCTV) whereby a number of cameras situated throughout the Watch-house are actively recording and feeding back live-time imagery to monitors situated in the Watch-house staff working area. s37(2)(b)

s37(2)(b)

s37(2)(b)

11.2 Daily verification of system functionality

At the commencement of each and every shift, the CCTV security camera system **must** be checked to ensure it is working correctly.

s37(2)(b)

11.3 Fault reporting

To enable better tracking of faults with the CCTV security camera system, including any action undertaken by Watch-house staff to fix any identified problems, s37(2)(b)

It is the responsibility of Watch-house staff to monitor the system and ensure that it is working correctly. If at any time a fault is identified or concerns are held that the system is not working correctly, please advise the Watch-house Sergeant immediately s37(2)(b)

Arrangements to rectify the problem are to be undertaken immediately.

s37(2)(b)

s37(2)(b)

Please ensure that each Watch-house member monitors the system, record faults as they occur and ensures faults are fixed.

For any faults please contact Video Operations during business hours. If the problem cannot be resolved, a job will need to be logged through AFP Property and Logistics. If it is operationally urgent, this must be specificed at the time of logging the request.

11.4 Reviewing of footage by Watch-house staff

It is accepted that on occasion staff working in the Watch-house will be required to review CCTV footage stored on the DVR hard drives. This function also forms part of the OIC Judicial Operations duties when reviewing matters where use of force has been applied within the Watch-house. s37(2)(b)

11.5 Requests for CCTV footage

There are myriad reasons why CCTV footage will be requested by members of the AFP including but not limited to:

- providing evidence to the Courts
- PRS Investigations
- Freedom of Information requests.

If Watch-house staff receive a request or enquiry on how to request and obtain CCTV footage they are to be referred immediately onto the Video Operations Team (VOT). VOT are responsible for processing all requests for ACTWH CCTV footage regardless of who the requesting member is. This is to ensure complete transparency and accountability of staff working in the Watch-house.

s37(2)(b)

11.6 Ongoing maintenance

s37(2)(b)

VOT have been trained and carry full responsibility for ensuring this process occurs as required. This requires members of VOT to attend the Watch-house on a regular basis (at least twice per week). Watch-house staff are expected to assist and support VOT members if and when required and not hamper them in

their duties. VOT will ensure that any data tapes they change will be managed in accordance with AFP Exhibiting and Property handling guidelines.

11.7 System failure

The CCTV system is fitted with an audible alarm in the event that there is a system failure. The alarm may activate in the event of a partial systems failure such as where audio is not recording. s37(2)(b)

s37(2)(b)

ANNEXURES – Extracts of relevant legislation and procedures

ANNEXURE A ***Bail Act 1992***

ANNEXURE B ***Evidence Act 1995***

ANNEXURE C ***Crimes Act 1900***

ANNEXURE D ***Crimes Act 1914***

ANNEXURE E ***Crimes (Forensic Procedures) Act 2000***

ANNEXURE F **Children And Young People**

ANNEXURE G ***Legislation Act 2001***

ANNEXURE H ***Terrorism (Extraordinary Temporary Powers) Act 2006***

ANNEXURE I ***Crimes (Sentence Administration) Act 2005***

ANNEXURE J **Identification material and FIWTs**

42(1)

42(1)

42(1)

42(1)

42(1)